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Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 729—PEANUTS

Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts; Miscellaneous Changes

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.)

The purposes of this amendment are (1) to provide for issuance of a marketing card allowing the obtaining of price support on peanuts produced on an excess peanut farm when it is determined by the Deputy Administrator that the producer has not knowingly exceeded his allotment and (2) to establish the basic penalty rate for the 1975 crop of peanuts.

The marketing of peanuts of the 1975 crop is underway and it is essential that producers and buyers know the penalty rate as soon as possible. Accordingly, it is hereby determined that compliance with the notice of proposed rulemaking, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23413, 28124, 39 F.R. 10383, 36564, 40578) are amended as follows:

1. Paragraph (b) of § 729.32 is revised to read as follows:

§ 729.32 Marketing cards and their uses.

* * * * *

(b) *Excess penalty card.* Form MQ–77 Peanuts, Peanut Excess Penalty Marketing Card, referred to as an "excess penalty card," authorizes the marketing of peanuts produced on the farm for which the card is issued with payment of marketing penalty at the rate entered on the card. Peanuts marketed with an excess penalty card are not eligible for price support unless the card is marked "Eligible for Price Support."

* * * * *

2. A new subparagraph (4) is added to paragraph (d) of § 729.33 to read as follows:

§ 729.33 Issuance of marketing cards.

* * * * *

(d) *Excess penalty card.* * * *

(4) The excess penalty card issued for a farm shall be marked "Eligible for Price Support" in those cases in which it is determined by the Deputy Administrator that the producer has not knowingly exceeded his allotment.

3. A new subparagraph (4) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.43 Penalty Rate.

* * * * *

(b) *Future years.* * * *

(4) *1975 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1975 and ending July 31, 1976, is $394.50 per ton or 19.72 cents per pound. Therefore, the basic penalty rate for the 1975 crop of peanuts is 14.8 cents per pound.

(Secs. 358, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 1359, 1375.)

Effective date: January 13, 1976.

Signed at Washington, D.C., on January 2, 1976.

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

[FR Doc.76–1007 Filed 1–12–76;8:45 am]

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

[Lemon Regulation 20, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 4–10, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

§ 910.320 Lemon Regulation 20.

(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 an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 20 (41 FR 1). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, 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 amendment (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.320 (Lemon Regulation 20 (41 FR 1) is hereby amended to read as follows:)

"The quantity of lemons grown in California and Arizona which may be handled during the period January 4, 1976 through January 10, 1976, is hereby fixed at 210,000 cartons."

(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.76–1013 Filed 1–12–76;8:45 am]

CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

PART 2610—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Chapter XXVI, Title 7 CFR is hereby amended by adding a new Part 2610 dealing with the organization, functions, and delegations of authority of the Office of Investigation, to read as follows:

Sec.
2610.1 General statement.
2610.2 Headquarters organization.
2610.3 Regional offices.
2610.4 Agency requests for service.
2610.5 Other requests for service.
2610.6 Delegations of authority.

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 559

§ 2610.1 General statement.

(a) The Office of Investigation, hereinafter referred to as OI, was created by Secretary's Memorandum No. 1836 dated January 9, 1974, which transferred the investigative functions of the Department to that Office. Delegations of authority to the Director, OI, appear in 7 CFR 2.33. OI has a Headquarters Office at Washington, D.C., and seven Regional Offices, as shown below.

(b) OI is a staff office providing investigative service pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. The Director, OI, has authority to inquire into all programs and administrative activities of the Department. These inquiries may be investigations, analyses, or reviews in such forms as are appropriate.

(c) The Director, OI, issues factual reports. He does not direct changes in policies, procedures, or operations of Departmental agencies, but is authorized and directed to determine that reports he has furnished have been reviewed and properly acted upon.

(d) The Director, OI, is authorized liaison officer for the Department on all investigative matters except those matters relating to the Departments' personnel security program. His authority includes liaison and coordination for these functions (1) with agencies within the Department and (2) between the Department and other Executive and Legislative organizations, including Congressional Committees. The Director, OI, is operationally independent of other offices and agencies of the Department and reports directly to the Secretary.

§ 2610.2 Headquarters organization.

The Headquarters organization consists of the Director, OI, and the following staff units:

(a) *Assistant Director for General Investigations (GI).* (1) Provides direction and coordination to Regional Offices concerning investigations, (2) carries out liaison with other law enforcement agencies and the Washington level of USDA agencies on OI investigations of programs, functions, and personnel for which those agencies are responsible, and (3) prepares and sends to the Director reports to inform key Department officials of significant investigative disclosures.

(b) *Assistant Director for Information, Research and Development (IRD).* (1) Formulates, writes, and issues policies, standards, and concepts of performance for investigative activities, (2) develops training policies and operates the OI training program, (3) handles complaints and requests for information (including the Freedom of Information and Privacy Acts) received from the Congress, the press, and the public, (4) researches and evaluates statutes, legal opinions, court decisions, and other professional and governmental reports and publications for application to Office of Investigation operations.

(c) *Assistant Director for Security and Special Investigations (SSI).* (1) Conducts certain investigations of sensitive, complex, serious, or urgent matters, including those nationwide in scope and those involving high-level Department officials, (2) conducts all investigations of international programs, (3) conducts special operations to detect fraud in major Departmental programs, and develops and coordinates intelligence operations in various program areas, (4) formulates Departmental policies, standards, techniques, and procedures for maintaining the security of physical facilities, self-protection, and warden systems, and (5) provides for the personal protection of the Secretary.

(d) *Special Assistant to the Director for Internal Inspections and Investigations.* Conducts internal OI personnel investigations and inspections of all OI activities.

§ 2610.3 Regional offices.

The following OI Regional Offices perform the investigative services in the territorial areas indicated. Each Regional Office is headed by a Regional Director. Communications may be addressed to the Regional Director, Office of Investigation, U.S. Department of Agriculture, at the appropriate location listed below.

Region:	*Address and territory*
I	Room 1707, 26 Federal Plaza, New York, N.Y. 10007. (Territory: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.)
II	Room 432A, Federal Center Building, Hyattsville, Md. 20782. (Territory: Delaware, District of Columbia, Maryland, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia.)
III	Room 901, 1447 Peachtree Street, NE., Atlanta, Ga. 30309. (Territory: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.)
IV	Room 800, 1 North Wacker Drive, Chicago, Ill. 60606. (Territory: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)
V	3912 South General Bruce Drive, Temple, Tex. 76501. (Territory: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)
VI	Office Address: 8930 Ward Parkway. Mailing Address: P.O. Box 205, Kansas City, Mo. 64141. (Territory: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.)
VII	Room 526, 555 Battery Street, San Francisco, Calif. 94111. (Territory: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, Trust Territories of the Pacific, and Territory of Guam.)

§ 2610.4 Agency requests for service.

Heads of USDA agencies and offices, and their field offices, as applicable, will direct requests for investigations to the appropriate office of OI, as indicated below:

(a) *Regional Directors.* Except as indicated in paragraphs (b), (c), and (d), of this section, address all matters to the Regional Director listed in § 2610.3 serving the locations or areas in which investigation should be conducted.

(b) *Assistant Director, SSI.* Address to the Assistant Director, SSI, all bribery information and all requests for investigations at foreign sites.

(c) *Assistant Director, GI.* Direct requests for investigations, other than those in paragraph (b) of this section, to the Assistant Director, GI, for those matters which (1) warrant request to the Washington Headquarters of OI because of urgency, sensitivity, or security, (2) involve agency activities that are national in scope, or (3) require action by more than one OI Region to perform the services requested.

(d) *Director.* Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, agency officials may at any time direct to the personal attention of the Director requests for investigation of alleged misconduct by agency officials GS–14 and above and any other investigative matters that they consider warrant such attention.

§ 2610.5 Other requests for service.

Any person desiring to bring to the attention of OI any investigative matter which he considers warrants such attention may address his communication to:

(a) The Director, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250, or

(b) The appropriate Regional Director, Office of Investigation, listed in § 2610.3.

§ 2610.6 Delegations of authority.

(a) There is hereby delegated to the Assistant Directors listed in § 2610.2 the authority to take any action in connection with the functions assigned to them. This authority may be redelegated. This delegation does not preclude the Director from exercising any of the powers or functions, or from performing any of the duties listed herein.

(b) There is hereby delegated to Regional Directors listed in § 2610.3 the authority to take any action in connection with the functions assigned to them. This authority may be redelegated. This delegation does not preclude the Director from exercising any of the powers or functions, or from performing any of the duties listed herein.

(c) There is hereby reserved to the Director the authority to formulate and develop investigative policies, programs, procedures, and standards; allocate appropriated funds; and determine Investigative Jurisdiction.

Issued at Washington, D.C., this 6th day of January 1976.

JOHN V. GRAZIANO,
Director.

[FR Doc.76-1025 Filed 1-12-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Fees

Reference is made to the notice of proposed rulemaking which was published in the FEDERAL REGISTER of April 10, 1975 (40 FR 16215) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments of 8 CFR 103.7, pertaining to changes in the amount of certain fees pursuant to the provisions of section 483a of Title 31 of the United States Code (65 Stat. 290).

The proposed rules would impose a charge of $5.00 if a check in payment of a fee is not honored by the bank on which it is drawn; would add a new fee for filing an application for an Arrival-Departure Record (Form I-94) or Crewman's Landing Permit (Form I-95) in lieu of one lost, mutilated, or destroyed; and would change the existing amount of fees for filing certain applications, petitions, appeals and motions under the immigration and nationality laws.

The representations which were received in response to the proposed rules of April 10, 1975 have been considered. The proposed rules have been modified in the following respects: (1) The proposed fee for filing an appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction has been reduced to $50.00; (2) The proposed fee for filing an appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with 8 CFR 3.1(b) has been reduced to $50.00; and (3) The proposed fee for filing an application for temporary withholding of deportation under section 243(h) of the Act will not be adopted.

The proposed rules, as modified and as set forth below, are hereby adopted:

In § 103.7, paragraph (a) is amended by adding a new sentence between the existing third and fourth sentences thereof and paragraph (b)(1) is amended by adding a new fee and by revising 28 existing fees. As amended, §§ 103.7 (a) and (b)(1) read in pertinent part as follows:

§ 103.7 Fees.

(a) *Remittances.* * * * A charge of $5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. * * *

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

For filing application for alien registration receipt card (form I-151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10
For filing application on form I-550 for verification of lawful permanent residence of an alien	5
For filing application for verification of information contained in service records	5
For filing application (form I-102) for arrival-departure record (form I-94) or crewman's landing permit (form I-95), in lieu of one lost, mutilated, or destroyed	5
For filing application for a U.S. citizen identification card	5
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	20
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 5
For filing application for visa waiver when application is made for admission as a returning resident	[1] 5
For filing application for passport waiver prior to or at the time application is made for permanent admission	[1] 5
For filing appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of $50 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the act	10
For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the act	10
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the act	10
For filing application for issuance or extension of reentry permit	5
For filing application for issuance or extension of refugee travel document	5
For filing application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the act	5
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the act	20
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	35
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a State or political subdivision thereof	30
For filing application for discretionary relief under section 212(c) of the act	50
For filing application for discretionary relief under section 212(d)(3) of the act, except in an emergency case, or where the approval of the application is in the interest of the U.S. Government	10
For filing application for waiver of the foreign-residence requirement under section 212(e) of the act	65
For filing application for waiver of ground of excludability under section 212 (h) or (i) of the act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	40
For filing application for adjustment of status to that of a permanent resident under section 245 of the act	25
For filing application for adjustment of status to that of a permanent resident under section 13 of the act of Sept. 11, 1957	25
For filing application for creation of record of admission for permanent residence under section 249 of the act	25
For filing application to record lawful admission for permanent residence under section 214(d) of the act	25
For filing application for change of nonimmigrant classification under section 248 of the act	10
For filing appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter. When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of $50 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50
For filing application for stay of deportation under part 243 of this chapter	40

[1] Plus communication costs.

For filing application for temporary withholding of deportation under section 343(h) of the act	25
For filing application for suspension of deportation under section 244 of the act	65
For filing application for transfer of petition for naturalization under section 355(1) of the act, except when transfer is of a petition for naturalization filed under the act of Oct. 24, 1968, Pub. L. 90-633	10
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the act	5
For filing application for certificate of citizenship on form N-600 under section 309(c) or section 341 of the act	10
For filing application for certificate of citizenship on form N-400 by a parent, and the issuance thereof, under section 341 of the act	10
For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the act	10
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the act of June 29, 1906	5
For filing application for section 316 (b) or 317 of the act benefits	10
For special statistical tabulations a charge will be made to cover the cost of the work involved	
For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air"	7
For annual subscription for "Passenger Travel Reports via Sea and Air"	105
For certification of true copies, each	1
For attestation under seal	3

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Effective date: In accordance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), this order shall become effective on or before February 12, 1976.

Dated: January 7, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-956 Filed 1-12-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

[No. 76-9]

PART 561—DEFINITIONS

Amendment Relating to Slow Loans

JANUARY 7, 1976.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to remove an obsolete restriction in § 561.16(e), which provides that modified or refinanced loans must not have been previously modified or refinanced "subsequent to January 1, 1964" in order to qualify for exclusion from the "slow loan" category, and substitute therefor a requirement that such loans not have been previously modified or refinanced during the past five years or the life of the loan, whichever is shorter.

The Board finds that notice and public procedure of said amendment as specified in 12 CFR 508.12 and 508.13 and 5 U.S.C. 553 (b) and (c) are unnecessary since the amendment relieves restriction, and publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends Part 561 of the Rules and Regulations for Insurance of Accounts by revising § 561.16(e) thereof, to read as set forth below, effective January 13, 1976.

§ 561.16 Slow loans.

The term "slow loans" means:

* * * * *

(e) Any loan or land contract that has been modified or refinanced within the preceding 12 months while contractually delinquent, except a mortgage loan or land contract (1) more than 2 years old and less than 30 days (1 month) contractually delinquent at the time of the modification or refinancing and not previously modified or refinanced during the past 60 months or the life of the loan, whichever period is shorter, or (2) modified or refinanced to provide for payment of real estate taxes, other governmental assessments, hazard insurance premiums, or water or sewer rent or charges, if provision is made for repayment within the succeeding 12 months of the funds so advanced.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-979 Filed 1-12-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NE-31; Amdt. 39-2492]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT4A Model Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a repetitive shotpeening and application of antigalling compound to Pratt & Whitney Aircraft JT4A turbojet engines containing tenth stage compressor blades, P/N 499710 and P/N 310010, was published in the FEDERAL REGISTER, dated July 17, 1975 (40 FR 30126).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one dissenting comment was received. The commentator stated that two JT4A operators are performing the shotpeening at a different interval than would be required by the AD. The commentator suggested that since these operators have not experienced a blade failure since adopting this schedule, they should not be required to shorten the shotpeen interval; we agree. Since the proposed rule allows adjustment of the repetitive shotpeen intervals to permit compliance at an established inspection period of the operator, no change in the rule is required.

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

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Model JT4A turbojet engines containing tenth stage compressor blades, P/N 499710 and P/N 310010.

To prevent possible tenth stage compressor blade failure resulting in case penetration, shotpeen the blades in accordance with JT4A Overhaul Manual, P/N 334887, Section 72-36-1, and apply antigalling compound in accordance with TR 72-617, of JT4A Overhaul Manual P/N 384387, in accordance with the following schedule:

1. Within 4000 hours time in service since new or the last shotpeening to 6A intensity.

2. Within 6000 hours time in service since the last shotpeening to 11-A intensity.

3. Blades that have exceeded the shotpeening intervals of Paragraphs 1 and 2 must be removed within the next 2000 hours time in service.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the repetitive shotpeen intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

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 Pratt & Whitney Aircraft, Division of United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, 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 New England Region.

This amendment becomes effective on January 28, 1976.

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

Issued in Burlington, Massachusetts, on January 5, 1976.

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

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-874 Filed 1-12-76;8:45 am]

[Airworthiness Docket No. 75-WE-52-AD; Amdt. 39-2491]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection, replacement and/or rework as necessary of each slide, slide/raft evacuation system hard container release cable assemblies and latching parts on Lockheed-California Company Model L-1011-385 Series Airplanes, was published in 40 FR 52744.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

No objections to accomplishing the intent of the A.D. were received. One commentator requested acceptance of an alternate identification means, as an interim measure, whereby an identification placard would be installed on the flipper door rather than on the actual modified slide/raft assemblies. This alternative identification means is not considered to be acceptable, because the reidentification placard would not be on the AD modified article itself.

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

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385 series airplanes certificated in all categories.

Compliance required within the next 300 hours' time in service after effective date of this AD, unless already accomplished:

To prevent possible emergency evacuation system hard container release cable assembly failures, accomplish the following:

(a) Inspect each slide, slide/raft evacuation system to determine if a modified cable assembly has been installed in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, or later FAA-approved revisions or an FAA-approved equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. Modified cable assemblies are identified by either blue or green paint on the parachute pin in the swaged area.

(b) Replace all unmodified cable assemblies located during the inspections required by paragraph (a) with a modified cable assembly in accordance with Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, and Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Inspect each slide, slide/raft evacuation system hard container latching parts which interrelate with the hard container release cable parachute pins for burrs and/or sharp edges and replace or rework as necessary in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin No. 25-29, dated October 23, 1975, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Reidentify slide, slide/raft evacuation assemblies having modified cable assemblies which have been installed as required by paragraph (b), in accordance with Lockheed Alert Service Bulletin No. 093-25-A239 dated October 23, 1975, or later FAA-approved revisions, or equivalent means of reidentification approved by the Chief, Aircraft Engineering Division, FAA Western Region. This paragraph supersedes the reidentification requirement of paragraph (e), AD 75-03-07.

This amendment becomes effective February 20, 1976.

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

Issued in Los Angeles, California on January 2, 1976.

FRANK HAPPY,
Acting Director,
FAA Western Region.

[FR Doc.76-873 Filed 1-12-76;8:45 am]

[Airworthiness Docket No. 75-WE-56-AD; Amdt. 39-2489]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9-30, -50 Series Airplanes

There have been three reported incidents involving manually induced longitudinal porpoising during approach in the landing configuration which is aggravated by the hydraulic boost system. One incident resulted in a hard landing.

Since this condition is likely to exist or develop in certain airplanes of the same design, an airworthiness directive is being issued to require the removal of the hydraulic bleed stop assembly, P/N 4934616-1 per Douglas Alert Service Bulletin A27-176 on the affected McDonnell Douglas Model DC-9-30 and -50 Series Airplanes.

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

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

MCDONNELL DOUGLAS. Applies to Model DC-9-30 and -50 Series Airplanes Fuselage Numbers 757, 763, 780 through 795, 797 and 798, certificated in all categories.

Compliance required within the next 50 hours' time in service or 5 days whichever comes first after the effective date of this AD, unless already accomplished.

To prevent manually induced longitudinal porpoising aggravated by the elevator boost system accomplish the following:

Remove the hydraulic bleed stop assembly, P/N 4934616-1, per Douglas Alert Service Bulletin A27-176, dated December 13, 1975, or later FAA-approved revisions, or an equivalent procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on January 15, 1976.

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

Issued in Los Angeles, California on December 31, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.76-868 Filed 1-12-76;8:45 am]

[Airspace Docket No. 75-NE-29]

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

Alteration of Transition Area

On October 31, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 50726) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Maine, Transition Area to include additional airspace east of Pease Air Force Base, N.H.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received and it was 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 Portland, Maine, Transition Area is amended to read as follows:

PORTLAND, MAINE, TRANSITION AREA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (latitude 43°38'50" N., longitude 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude

69°19'42" W., to latitude 43°41'00" N., longitude 69°30'00" W.; to latitude 43°30'00" N., longitude 70°06'00" W., to latitude 43°18'15" N., longitude 70°25'00" W., to latitude 42°43'15" N., longitude 70°25'00" W., to latitude 42°41'20" N., longitude 70°30'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°44'25" N., longitude 70°37'15" W., to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Main, VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-871 Filed 1-7-76;8:45 am]

[Airspace Docket No. 75-WA-19]

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

Renumbering of Airway Segments; Correction

In FR Doc. 75-34080 appearing at page 58624 in the FEDERAL REGISTER of December 18, 1975, paragraph h. of § 71.123 appearing on page 58625 is corrected in the second and third lines of that paragraph by deleting "Toronto 141° and Buffalo, N.Y., 312°" and substituting "Toronto 172° and Buffalo, N.Y., 294°" therefor. Paragraph k. of § 71.123 appearing on page 58625 is corrected in the fourth line of that paragraph by deleting "to Geneseo, N.Y." and substituting "to Geneseo, N.Y. The airspace within Canada is excluded." therefor.

Issued in Washington, D.C., on January 6, 1976.

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

[FR Doc.76-872 Filed 1-12-76;8:45 am]

[Airspace Docket No. 75-EA-68]

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

Revocation of Federal Airway Segments

On November 14, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 53045) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would: (1) Revoke the west alternate of V-29 between Salisbury, Md., and Kenton, Del.; and (2) Revoke a segment of V-147 from the intersection with V-157 to the Pottstown, Pa. VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

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.

Section 71.123 (41 FR 307) is amended as follows:

1. In V-29 "Kenton, Del., including a west alternate via INT Salisbury 340° and Kenton 217° radials;" is deleted and "Kenton, Del.;" is substituted therefor. The exclusion note regarding R-4006 which accompanies the description of V-29 is deleted.

2. In V-147 "From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; Pottstown;" is deleted and "From Pottstown, Pa., via" is substituted therefor.

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

Issued in Washington, D.C., on Jan. 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-870 Filed 1-12-76;8:45 am]

[Airspace Docket No. 75-WA-20]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Routes

On November 10 and 18, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 52409, 53406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J920R and relocate waypoint KRUMS.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

Section 75.400 (41 FR 721) is amended as follows:

In J920R "KRUMS 49°00'00" N., 109°14'25" W., Lewistown, Mont." is deleted and "KRUMS 49°00'00" N., 109°27'26" W., Lewiston, Mont." is substituted therefor.

(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 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-869 Filed 1-12-76;8:45 am]

[Docket No. 14128; Amdt. No. 91-130]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Special Flight Authorizations

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to provide for the issuance of special flight authorizations to operators of Canadian registered amateur-built experimental aircraft who desire to operate the aircraft in the United States for the purpose of demonstrating it at airshows in the United States.

This amendment is based on a notice of proposed rulemaking (Notice No. 74-35) issued on November 12, 1974, and published in the FEDERAL REGISTER on November 20, 1974 (39 FR 40785).

Interested persons were afforded an opportunity to participate in the making of this amendment and due consideration was given to all matters presented. Fourteen comments were received in response to the notice. While all the comments received were favorable, some of the commentators recommended changes to the proposed amendment which are discussed below.

One commentator stated that the proposal should be broadened to include amateur-built aircraft of other nations that meet the same level of airworthiness as U.S. amateur-built aircraft. As stated in the notice, the majority of the petitions for exemptions to attend airshows are received from Canada and petitions for exemptions from other nations are very few. Therefore, the FAA does not believe that a change to the notice to accommodate the few petitions from other nations is warranted at this time.

Another commentator suggested that the rule should also permit the issuance of special flight authorizations to all Canadian aircraft issued Canadian Flight Permits in order to include ex-military aircraft, such as Canadian "Warbird aircraft" that attend many airshows in the United States.

The FAA notes that such aircraft were not included in the proposal and are not included in this amendment. Canadian "Warbird aircraft" are high-performance aircraft, often turbine-powered, operating primarily in accordance with operating limitations established by the Canadian military services. Because of the operating characteristics of these aircraft, the FAA believes that it is in the interest of safety to process requests concerning such aircraft on an individual basis in accordance with Part 11 of the Federal Aviation Regulations.

Finally, one commentator suggested that the proposal be changed by substituting the term "fly-in" for the term "air-show". However, the commentator presented no reasons for the suggested change other than that it might be more appropriate. Since it has not been established that the terms are synonymous, substituting the terms suggested could result in a substantive change to the regulation not proposed in the notice. Therefore, the effect of the change recommended must be fully evaluated. If it is determined that the suggested change has merit, it will be the subject of a future rule-making action.

(Secs. 313(a), 601, 603, and 610(b), Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423 and 1430(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, § 91.28 of the Federal Aviation Regulations is amended, effective February 12, 1976, by revising paragraph (a) of that section and by adding a new paragraph (b)(6) to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without the airworthiness certificate required under § 91.27 if a special flight authorization for that operation is issued under this section. Application for a special flight authorization must be made to the Regional Director of the FAA Region in which the applicant is located. However, application for a special flight authorization for the purpose specified in paragraph (b)(6) of this section must be made to the Regional Director of the FAA Region in which the airshow is located.

(b) * * *

(6) The flight of a Canadian registered amateur-built experimental aircraft brought to the United States for the purpose of demonstration at an airshow within the United States.

* * * * *

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

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-867 Filed 1-12-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

Approval of New-Drug Applications

The Commissioner of Food and Drugs is amending § 2.121 *Delegations of authority from the Commissioner to other officers of the Administration* (21 CFR 2.121) to provide for revised delegations relating to approval of new-drug applications. Functions relating to abbreviated new-drug applications have been reassigned to the Associate Director for Drug Monographs, thus requiring revision of the current delegations. The amendment is effective January 13, 1976.

Further redelegation of the authority redelegated by this amendment is not authorized. Authority redelegated by this amendment to a specific position may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting", or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraphs (k) and (l) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(k) *Delegations regarding approval of new-drug applications and supplemental applications thereto for drugs for human use.* (1) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to approval of new-drug applications and supplements thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(2) The Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; Oncology and Radiopharmaceutical Drug Products; and Drug Advertising of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to approval of supplemental applications to approved new-drug applications which are for drugs for human use and have been submitted pursuant to §§ 314.1(c) and 314.8 of this chapter.

(3) The Associate and Deputy Associate Director for Drug Monographs and the Director of the Division of Generic Drug Monographs of the Bureau of Drugs are authorized to perform all of the functions of the Commissioner of Food and Drugs regarding the approval of abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to §§ 314.1(f) and 314.8 of this chapter.

(l) *Delegations regarding issuance of notices relating to proposals to refuse approval or to withdraw approval of new-drug applications and supplemental applications thereto for drugs for human use.* The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new-drug applications and abbreviated new-drug applications and supplemental applications thereto which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act and §§ 314.1 and 314.8 of this chapter, and to issue notices of withdrawal of approval when opportunity for hearing has been waived.

* * * * *

Effective date. This amendment shall be effective January 13, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 6, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-865 Filed 1-12-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Lincomycin and Spectinomycin Soluble Powder

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (46-109V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing safe and effective use of a lincomycin and spectinomycin soluble powder in the drinking water of chickens for the treatment of airsacculitis. The supplemental application is approved, effective January 13, 1976.

The Commissioner is amending § 520.1263b (21 CFR 520.1263b) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 520.1263b is amended by revising paragraph (d)(1) to read as follows:

§ 520.1263b Lincomycin hydrochloride monohydrate and spectinomycin sulfate tetrahydrate soluble powder.

* * * * *

(d) *Conditions of use.* (1) It is administered in the drinking water of chickens up to 7 days of age as an aid in the control of airsacculitis caused by either *Mycoplasma synoviae* or *Mycoplasma gallisepticum* susceptible to lincomycin-spectinomycin and complicated chronic respiratory disease (air sac infection) caused by *Escherichia coli* and *M. gallisepticum* susceptible to lincomycin-spectinomycin.

* * * * *

Effective date. This amendment shall be effective January 13, 1976.

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

Dated: January 6, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-863 Filed 1-12-76;8:45 am]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Procaine Penicillin G in Oil

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-465V) filed by G. C. Hanford Manufacturing Co., P.O. Box 1055, Syracuse, N.Y. 13201, proposing safe and effective use of an additional formulation of procaine penicillin G in oil for the treatment of mastitis in lactating cattle. The application is approved, effective January 13, 1976.

The Commissioner is amending Part 540 (21 CFR Part 540) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 540 is amended as follows:

1. In § 540.274c by revising paragraph (a)(1) to read as follows:

§ 540.274c **Procaine penicillin G in oil.**

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* If it is conspicuously labeled for veterinary use, it may contain furaltadone in accordance with § 121.249(a)(5) of this chapter and is exempt from the potency requirement of § 440.274a(a)(1) of this chapter. It is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. The drug is a suspension in a refined vegetable oil, with or without the addition of one or more suitable and harmless dispersing agents, preservatives, hardening agents, and buffering substances. If the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of § 440.74a(a)(1) (ii), (iii), and (iv) of this chapter.

* * * * *

2. In § 540.874a by revising paragraph (c)(1) and (3) (ii), (iii), and (iv) to read as follows:

§ 540.874a **Procaine penicillin G in oil.**

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* Each dose of the drug contains 100,000 units of procaine penicillin G in 6 or 10 milliliters of a refined vegetable oil. The drug complies with the requirements of § 540.274c(a).

* * * * *

(3) * * *

(ii) The drug is administered by intramammary infusion in each infected quarter. Treatment may be repeated at 12-hour intervals up to a total of three doses, as indicated by the clinical response.

(iii) Milk that has been taken from animals during treatment and for 84 hours (7 milkings) after the latest treatment must not be used for food. If the drug contains a sesame oil vehicle, a 60-hour (5 milkings) milk discard time is used.

(iv) Animals must not be slaughtered for food during treatment or within 4 days after the latest treatment. If the drug contains a sesame oil vehicle, a 3-day slaughter withdrawal time is used.

Effective date. This amendment shall be effective January 13, 1976.

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

Dated: January 6, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-862 Filed 1-12-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin and Oxytetracycline

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-006V) filed by Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017, proposing safe and effective use of a combination drug containing monensin and oxytetracycline for administration in the feed of broiler chickens. The application is approved, effective January 13, 1976.

The Commissioner is amending Part 558 (21 CFR Part 558) to reflect this approval.

The approval of this application is in consideration of the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the Federal Food Drug, and Cosmetic Act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

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

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

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

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

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

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

The 1971 memoranda make explicit that because waiver of the ministerial requirements of section 512(m) of the act is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premixes that can be made into complete feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy, which is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation, based on the criteria listed in the memoranda, governing waiver of the 512(m) requirements for the complete feed. This proposed regulation will be published for comment in the near future. In waiving the ministerial requirements of section 512(m) of the act, the agency has not waived the current good manufacturing practice (21 CFR Part 225) for feed mills mixing such feeds.

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

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

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

1. In § 558.355, by adding new paragraph (f)(1)(viii) to read as follows:

§ 558.355 **Monensin.**

* * * * *

(f) * * *

(1) * * *

(viii) *Amount per ton.* Monensin, 90 to 110 grams plus oxytetracycline, 200 grams.

(*a*) *Indications for use.* As an aid in the prevention of coccidiosis caused by

Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati, and *E. maxima*; and for the control of complicated chronic respiratory disease (CRD or air sac infection) caused by *Mycoplasma gallisepticum* and *Escherichia coli.*

(b) *Limitations.* Withdraw 72 hours before slaughter; do not feed to laying chickens; feed continuously as sole ration; as monensin sodium.

* * * * *

2. By adding new § 558.450 to read as follows:

§ 558.450 Oxytetracycline.

(a) *Specifications.* Oxytetracycline is the antibiotic substance produced by growth of *Streptomyces rimosus* or the same antibiotic substance produced by any other means, and for the purposes of this section refers to oxytetracycline as a specified salt. The quantity of oxytetracycline is expressed in terms of an equivalent amount of oxytetracycline hydrochloride.

(b) *Approvals.* Premix level of 10 and 50 grams per pound of oxytetracycline granted to No. 000069 in § 510.600(c) of this chapter.

(c) *Assay limits.* Complete feed must not contain less than 80 percent nor more than 120 percent of a labeled amount of the drug.

(d) *Special considerations.* Complete feeds conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(e) *Related tolerances.* See § 556.500 of this chapter.

(f) *Conditions of use.* It is used in broiler chicken feed as follows:

(1) *Amount per ton.* Oxytetracycline, 200 grams plus monensin, 90 to 110 grams.

(2) *Indications for use.* For the control of complicated chronic respiratory disease (CRD or air sac infection) caused by *Mycoplasma gallisepticum* and *Escherichia coli;* and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

(3) *Limitations.* Withdraw 72 hours before slaughter; do not feed to laying chickens; feed continuously as sole ration; as monensin sodium.

Effective date. This regulation shall be effective January 13, 1976.

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

Dated: January 6, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-366 Filed 1-12-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-833]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

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

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

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

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

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
*	*	*	*	*	*
Alabama	Henry	Unincorporated areas	Dec. 29, 1975, emergency	Jan. 17, 1975	
Connecticut	Windham	Hampton, town of	do	Jan. 10, 1975	
Georgia	Meriwether	Manchester, city of	do	Dec. 6, 1974	
Indiana	Whitley	Unincorporated areas	do	Dec. 13, 1974	
Iowa	Hamilton	Ellsworth, city of	do	Do.	
Do.	Lucas	Lucas, city of	do	Nov. 19, 1974	
Kansas	Rawlins	Herndon, city of	do	Nov. 22, 1974	
Massachusetts	Hampden	Southwick, town of	do	Nov. 8, 1974	
Michigan	Montcalm	Greenville, city of	do	Jan. 17, 1975	
Ohio	Summit	Fairlawn, city of	do	Mar. 29, 1974	
Do.	Cuyahoga	Walton Hills, village of	do	Jan. 10, 1975	
Pennsylvania	Sullivan	Elkland, township of	do	Jan. 24, 1975	
Rhode Island	Providence	Glocester, town of	do	Oct. 18, 1974	
South Carolina	McCormick	Unincorporated areas	do		
Vermont	Franklin	Fairfield, town of	do	Jan. 10, 1975	
West Virginia	Braxton	Unincorporated areas	do	Jan. 24, 1975	
Wisconsin	Price	do	do	Jan. 17, 1975	
*	*	*	*	*	
Alabama	Houston	Avon, town of	Dec. 30, 1975, emergency	Sept. 20, 1974	
Do.	Barbour	Clio, town of	do	July 11, 1975	
Illinois	Fulton	Banner, village of	do	Dec. 28, 1973	
Maine	Oxford	Newry, town of	do	Apr. 4, 1975	
Pennsylvania	Greene	Morris, township of	do	Jan. 17, 1975	
Do.	Wyoming	Windham, township of	do	Dec. 6, 1974	
West Virginia	Mineral	Unincorporated areas	do	Jan. 31, 1975	
Do.	Wayne	Wayne, town of	do	Jan. 10, 1975	
Georgia	do	Unincorporated areas	Dec. 31, 1975, emergency		
North Dakota	Ward	Carpio, city of	do	Jan. 31, 1975	
Oregon	Linn	Halsey, city of	do	Nov. 22, 1974	
Pennsylvania	Lancaster	Arkon, borough of	do	Jan. 31, 1975	
Do.	Allegheny	Castle Shannon, borough of	do	June 28, 1974	
Do.	Potter	Harrison, township of	do	Feb. 28, 1975	
Do.	Wyoming	Nicholson, township of	do		
Do.	Beaver	Pulaski, township of	do	Dec. 20, 1974	
Do.	Chester	Sadsbury, township of	do	Sept. 13, 1974	
Washington	Franklin	Kahlotus, town of	do	Dec. 13, 1974	

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	
Illinois	Iroquois	Thawville, village of	Jan. 2, 1976, emergency		
Iowa	Mills	Silver City, city of	do	Nov. 8, 1974	
Kansas	Jackson	Mayetta, city of	do	do	
Massachusetts	Middlesex	Burlington, town of	do	Dec. 20, 1974	
New York	Wayne	Marion, town of	do		
Do	Lewis	New Bremer, town of	do	Nov. 1, 1974	
Do	Otsego	Unadilla, town of	do	Oct. 18, 1974	
North Dakota	Emmons	Hazelton, city of	do	Jan. 17, 1975	
Wyoming	Uinta	Unincorporated areas	do	Dec. 27, 1974	

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

Issued: December 30, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–676 Filed 1–12–76;8:45 am]

[Docket No. FI–834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Monroe, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Monroe, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Monroe must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 120 South Macomb Street, Monroe, Michigan 48161.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Milton P. Munson, City Hall, 120 South Macomb Street, Monroe, Michigan 48161. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Raisin River	Telegraph Rd	598	250	550
	Chesapeake & Ohio RR	596	50	2,400
	Roessler St	595	50	1,300
	Monroe St	590	10	1,300
	Macomb St	588	50	1,100
	Penn Central RR	583	50	100
	do	581	800	50
	I–75	578	1,600	(1)
Plum Creek	La Plaisance Rd	585	15	15
	Kentucky Ave	583	(1)	975
	I–75	578	(1)	25

1 Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: December 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–677 Filed 1–12–76;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–513]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Sheridan, Colorado

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Sheridan under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of

this notice is in compliance with § 1917.-10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 4400 South Federal Boulevard, Englewood, Colorado.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent change of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
South Platte River	Oxford Ave	5,278	250	500
	Hampden Ave	5,270	250	250
	North city limits	5,268	250	100
Bear Creek	City limits	5,316	1,050	(1)
	South Lowell Blvd	5,313	750	(1)
	Federal Blvd	5,300	1,050	(1)

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-969 Filed 1-12-76;8:45 am]

[Docket No. FI-517]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Davie, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Davie, Florida under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 6591 SW. 45th Street, Davie, Florida.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Canals	Western and northern corporate limits	7	Entire city is inundated by 100-yr flood.
	Eastern corporate limits	5	Do.
	Southern corporate limits	5 to 7	Do.

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-970 Filed 1-12-76;8:45 am]

[Docket No. FI-520]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Columbus, Mississippi

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Columbus under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Columbus, Mississippi 39701.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent change of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Tombigbee River	I.C.G. RR	172	250	
	Highway 45-82	172	250	400
Luxapalila Creek	I.C.G. RR	171	2,800	2,450
	Bell Avenue Rd	171	2,450	4,250
	Highway 82	172	4,500	2,050

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-971 Filed 1-12-76;8:45 am]

[Docket No. FI-538]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Satellite Beach, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Satellite Beach, Florida under § 1017.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 510 Cinemon Drive, Satellite Beach, Florida 32937.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)
Atlantic Ocean.	Up to approximately 50 ft west from the coast line, extending from the northern to the southern boundaries of the corporate limits.	8
Indian River.	From the western corporate limits to a line between the northern and southern corporate limits, described by the following points:	6
	550 ft east of intersection of Jackson Ave. and Pineapple St.	
	400 ft east of intersection of Roosevelt Ave. and Pineapple St.	
	350 ft east of intersection of Glenwood Ave. and Kale St.	
	500 ft east of intersection of Cassia Blvd. and Kale St.	
	900 ft east of intersection of DeSoto Parkway and Kale St.	

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-972 Filed 1-12-76;8:45 am]

[Docket No. FI-544]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Pendleton, Oregon

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City

of Pendleton under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 34 S. E. Dorian Avenue, Pendleton, Oregon 97801.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Umatilla River	Northern Pacific RR. and Union Pacific RR.	1,096	(1)	150
	Southeast 8th Street Bridge	1,079	(1)	50
	Main Street Bridge	1,068	100	50
	Southwest 10th Street Bridge	1,060	100	50
	U.S. Highway 30 bridge	1,041	100	150
	Union Pacific RR. bridge	1,039	0	(1)
Tutuilla Creek	Southwest Halsey Ave. Bridge	1,053	50	50
	Highway 395 box culvert	1,049	50	50
McKay Creek	Southwest Quinny Ave. Bridge	1,064	50	50
	Mouth of McKay Creek	1,000	100	(1)

[1] To corporate limits.

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-973 Filed 1-12-76;8:45 am]

[Docket No. FI-547]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of South Daytona, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of South Daytona under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, South Daytona, Florida 32021.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Halifax River	Murray Way	7	[1] 1,250	
	Sandusky	7	950	
	Sandy Circle	7	950	
	Erie Ave	7	800	
	McDonald St	7	1,050	
	Kost St	7	850	
	Bellewood Ave	7	850	
	Beville Rd	7	1,350	

[1] To corporate limits.

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–974 Filed 1–12–76;8:45 am]

[Docket No. FI–647]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of La Grange, Missouri

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of La Grange, under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, La Grange, Missouri 63435.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	Buchanan St	490		120
	Pierce St	490		920
	Polk St	490		440
	Knox St	490		240
	Lewis St	490		440
	South St	490		320
	Marion St	490		400
	Washington St	490		400
	Jefferson St	490		400
	Monroe St	490		380
	Jackson St	491		320
	Wyaconda St	491		240
	Skinner St	491		200
	Filmore St	491		120
	Clay St	491		160
	Main St	490	[1]	[1]
	Chicago, Burlington, & Quincey RR	490–491	[2]	[2]

[1] From southern corporate limits to intersection with Jackson St.
[2] Entire railroad within corporate limits.

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: December 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–975 Filed 1–12–76;8:45 am]

Title 25—Indians

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

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 232—FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Revision and Rates

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

Beginning on page 39871 of the August 29, 1975, Federal Register (40 FR 39871), there was published a notice of proposed rulemaking to revise part 232 of Subchapter U, Chapter I, Title 25, of the Code of Federal Regulations. The purposes of the proposed revision are to provide additional power revenue to meet the increased cost of power purchased, operation expenses, and maintenance expenses of the power system and to make the other sections of the regulations compatible with prevailing utility practices. The revision was proposed pursuant to the Authority contained in section 3 of the Act of May 25, 1948 (62 Stat. 269, 273).

The public was given until September 29, 1975, to submit written comments, suggestions, or objections with respect to the proposed revision.

After consideration of all such relevant matter presented by interested persons, we have concluded that there is a general acceptance of our proposal. Therefore, the revision as so proposed is hereby adopted with the following major change:

1. A new paragraph (5) was added to § 232.55(c) in order to pass on to the responsible customer, the penalty charge imposed by the power wholesaler for lagging power factors.

Effective date. These regulations shall become effective March 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 15.106, Indian Lands—Irrigation Construction, Maintenance, Operation, and Related Power Systems).

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Sec.
232.1 Effective date; changes.
232.2 Authority of project engineer.
232.3 Disputes.
232.4 Applications; contracts.
232.5 Deposits.
232.6 Extensions and construction.
232.7 Rights of way.
232.8 Type of service.
232.9 Service connections.
232.10 Metering.
232.11 Changes of equipment or additional load.
232.12 Apparatus detrimental to service.
232.13 Interruptions to service.
232.14 Discontinuance by consumer and reconnection fee schedule.
232.15 Discontinuance and refusal of service by the Project.
232.16 Billing procedure.
232.17 Business located in residences.
232.18 Rooming and boarding houses.
232.19 Compensation of employees.
232.20 Hardship cases.
232.21 Contingent upon appropriations.

STANDARD RATE SCHEDULES

232.51 Rate schedule No. 1: Residential, urban and rural.
232.52 Rate schedule No. 2: General.
232.54 Rate Schedule No. 4: General.
232.55 Rate schedule No. 5: Irrigation pumping and sprinkling.
232.56 Rate schedule No. 6: Street and area lighting.

AUTHORITY: Sec. 7, 62 Stat. 273; 5 U.S.C. 301.

§ 232.1 Effective date; changes.

(a) The regulations in this part are for the conduct of the electric power system of the Flathead Project, Montana, herinafter referred to as the Project.

(b) These service policies are a part of all oral or written contracts for furnishing or receiving electric service. A copy of the written contract forms can be inspected at the Project's offices.

(c) These regulations shall become effective with the first billing made after the second calendar month following the date of final publication in the FEDERAL REGISTER.

(d) The regulations in this part may be revised, amended, supplemented, or otherwise changed by duly delegated authority from the Secretary of the Interior. These rules and regulations cancel the previous rules and regulations of Part 232, Title 25, Code of Federal Regulations.

§ 232.2 Authority of project engineer.

The project engineer is responsible for the operation of the Electric Power System and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the power superintendent or other project employees designated by him.

§ 232.3 Disputes.

Any aggrieved party may file with the project engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the project engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of a bill is involved in an appeal the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 232.4 Applications; contracts.

(a) Each applicant for electric service will be required to sign the Project's application and contract form or a special contract. Where special terms and conditions are involved, a contract may be executed and shall contain such provisions and stipulations as may be desirable to protect the interests of both the Project and the customer.

(b) Acceptance of service, with or without a signed application or contract, shall be subject to compliance with the terms of the applicable rate schedule and of these regulations.

(c) All service involving new construction shall be for a minimum of five years for permanent, domestic or commercial service. For area lighting service the minimum shall be for three years. For irrigation pumping the minimum shall be for five seasons. If the consumer vacates the premises, he shall be liable for the unpaid minimum contract revenue only to the extent that it is not liquidated by the succeeding occupants.

(d) The project engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 232.5 Deposits.

A cash deposit in the amount of approximately twice the monthly bill or a deposit of not less than $30.00 may be required from customers to guarantee the payment of electric service bills. In general, an applicant who is the owner of record of the permanent installation to be served will not be required to make a deposit until a delinquency in the payment of a bill has occurred. All services constructed under § 232.6c will be required to make a deposit to guarantee payment of bills. Deposits will be refunded upon termination of service and full payment of accounts, and also may be refunded at any time at the discretion of the project engineer.

§ 232.6 Extensions and construction.

(a) *Permanent installations.* In general, the Project will extend its overhead distribution facilities to serve permanent installations within its service area, provided the extension is physically and economically feasible. Normally, lines will be built in the most direct route from the nearest source of supply. The route shall be selected by the Project but will generally follow established roadways and utility easement areas when available. The prospective customer or customers will provide all necessary right-of-ways and perform such clearing of the right-of-way as directed by the project engineer without cost to the Project.

(b) *Funding.* If funds are available, the Project may absorb the cost of such extensions to the extent that the cost does not exceed six (6) times the annual guaranteed revenue to be derived from the extension. For purposes of this rule, extension cost shall include all normal costs except the cost of transformers, meters and other such fixed equipment. Estimated revenues shall be based upon the following limits:

(1) *Residential Service.* $60 to $180 per year exclusive of electric heat plus 20¢ per square foot per year of space to be heated electrically.

(2) *Seasonal use Residences.* $60 per year.

(3) *Commercial and Industrial.* Power charges for estimated typical demands and anticipated load factor energy uses.

(4) *Irrigation.* Guaranteed annual horsepower charge. (i) For extensions which cost more than can be funded by the Project, the customer shall make a cash payment of the balance of the total cost of the extension. Contracts may provide for a refund of part or all of the customer's contribution for construction of a facility if additional customers are later served from the facility or the contracting customer meets other specified contract conditions. The Project may, by contract, require the customer to advance the entire cost of installing facilities used in rendering service and shall credit the customer's, his successor's or assignee's account with an amount of up to 20% of his monthly kilowatt hour bill at the location during the life of the contract or until the specified amount of the advance has been refunded, but no claim for credit shall extend beyond five years. All extensions and equipment purchased under this provision shall be and remain the property of the Project. Any of these special contracts may require the payment of higher than rate schedule stipulated monthly minimums.

(ii) The project engineer may decline to construct any extension which in his opinion, will be excessive in cost or detrimental to the best interest of the Project. All extensions when initially energized, shall be and remain the property of the Project.

(c) *Construction service, short term service, temporary service and service to individual mobile homes and trailers.* The Project will require the customer to pay in advance the estimated cost of connecting, disconnecting, furnishing, installing and removing the facilities required to render such service. After termination of service, there shall be refunded any amount remaining on deposit in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and

energy. A deposit may also be required of the estimated bill for electric service, as well as any other deposits specified under § 232.5.

(d) *Trailer and mobile home courts.* Trailer and mobile home courts which are constructed to meet recognized standards may be provided electric service under the permanent customer extension policy. However, the Project will not construct or participate in the cost of the internal secondary wiring required to serve individual trailers or mobile homes. The Project will be the sole judge as to the number of primary delivery points required by the court to provide satisfactory service to individual users. Metering of the court may be one of two ways:

(1) A master meter can be provided at each delivery point to meter the delivery to the court. The energy from this type of metering shall be billed at the applicable general rate.

(2) Trailers or mobile homes may be supplied and billed through individual meters under the residential rate providing that the court owner provides each site with an adequate secondary service supply, individual metering service entrance panels that meet Project, State and National Electrical Code requirements, and the court owner guarantees payment of minimum bills on vacant stalls.

(e) *Underground extensions.* Underground line extensions in lieu of overhead extensions will be made only where mutually agreed upon by the Project and the customer. Such agreements shall provide that the customer will reimburse the Project the estimated cost of the underground facilities over the estimated cost of an equivalent overhead extension. The customer shall also advance any contribution to construction required under the general extension policies for permanent customers (Paragraph a of this section).

(f) *Other deposits.* Deposits to guarantee the payment of electric service bills will be in addition to any required above, and in accordance with § 232.5.

§ 232.7 Rights-of-way.

The Project will give every assistance in obtaining rights-of-way. The cost of such rights-of-way may be assessed the customer if extension or relocation is for his benefit, however, the end responsibility of obtaining needed rights-of-way will rest with the applicant.

§ 232.8 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than five horsepower shall be single-phase, nominally 120 or 240 volts, and two- or three-wire, except when special written approval for another type of service has been obtained from the project engineer. Three-phase service at suitable voltage may be furnished for motor installations of five horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be 60 cycle.

§ 232.9 Service connections.

(a) The consumer shall provide and maintain a service entrance with a meter socket and mainline breaker or distribution center complete with all necessary wires. This shall be located convenient to the lines of the Project and unless otherwise specified, on the outside of the building or on a service pole so that the meter socket is not more than 5'9", plus or minus 6", from the ground or floor. When prior approval by the project engineer has been obtained, meters may be mounted on approved service pedestals. The meter will be furnished by the Project and must be accessible to the meter reader at all times. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When an inspection is required by law or ordinance, the project engineer shall require a certificate of inspection and approval by the inspector before connecting a new service.

(b) The customer shall install, own and maintain all wiring and equipment beyond the point of delivery except meters and special facilities installed or furnished by the Project. If instrument transformers are required the customer shall furnish and install mounting brackets; install the instrument transformers, provide a suitable enclosure and all necessary conduit and wiring for metering as specified by the Project. It shall be the customer's responsibility to provide suitable protective equipment to adequately protect his installation.

§ 232.10 Metering.

(a) Project shall furnish the meter, and customer shall provide and maintain free of expense to the Project an unobstructed location satisfactory to Project in accordance with § 232.9 above. In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location, or in such other areas and with such other arrangements as may be approved by the project engineer. Each meter shall be clearly marked so as to make it possible to identify the consumer.

(b) Customer's responsibility. Customer shall exercise reasonable care in protecting Project's meter and other Project owned equipment located on his premises. Only Project employees or agents, or persons authorized by law are permitted to inspect or handle same.

(c) Final connection. Final connection of the meter shall in all cases be made by the Project.

(d) Meters sealed. All meters shall be sealed by the Project. The breaking of seal by unauthorized persons or tampering with meter or meter wiring is prohibited by law and is subject to summarily discontinuance of service.

(e) Schedule of meter tests. Project shall test its meters in accordance with the following procedure:

(1) Self contained single phase watt-hour meters.

(i) New meters: All meters received from a manufacturer will be tested for accuracy and inspection for mechanical defects.

(ii) Meters in service: A sample of up to 10% of meters in service will be selected each year for testing.

(2) Polyphase watt-hour meters, meters used with instrument transformers and demand meters.

(i) New meters: All meters received from a manufacturer will be tested for accuracy and inspected for mechanical defects.

(ii) Meters in service: A sample of up to 20% of all such meters will be tested each year.

(f) Special meter tests. On request of customer, Project shall, within 10 days after receipt of such request, make special meter tests. Customer shall bear the cost of such tests, including meter removal and replacement when the meter is found to be within the limits of acceptable accuracy as defined in section h. In all other cases Project will bear the cost of the test.

(g) Replacement of meter. Whenever a customer requests the replacement of the service meter because of accuracy, such request shall be treated as a request for a test of such meter and, as such, shall fall under the provisions of special meter tests.

(h) Standard of meter accuracy. The Project shall not place in service or knowingly allow to remain in service without adjustment any meter that has known error in registration of more than plus or minus two percent at light or at full load, and unity power factor, or more than plus or minus three percent at full load and fifty percent power factor.

(i) Adjustment for inaccurate meter registration. Whenever a tested meter in service is found to be fast or slow beyond the limit of accepted accuracy as defined, Project shall make an adjustment, based on the corrected registration for the period in which the meter was registering incorrectly, if such period is known, and if not known for a period of not exceeding six months, but in no event for a period longer than present customer's occupancy. Whenever any bill or bills have been adjusted or corrected as provided above and whenever such adjustment amounts to $1.00 or more. Project shall credit to customer any amount found to have been collected in excess of the proper amount, or Project may require customer to pay any additional amount due, as the case may be.

(j) Incorrect meter installation. Whenever any customer shall have been over-charged or under-charged as a result of incorrect installation of a meter or the use of an incorrect meter multiplier in billing the account, the amount of the over-charge shall be adjusted and credited to the customer if in excess of

$1.00, or the amount of the undercharge may be adjusted and billed to the customer if in excess of $5.00, provided that in no event shall such period of adjustment exceed the length of time the service has been supplied to the customer through the incorrect metering installation at the present location.

(k) Non-registering meter. When a meter fails to register for any period, for reasons beyond the reasonable control of the Project, the Project may estimate the charge for service during such period, such estimate to be based on the best available data.

§ 232.11 Change of equipment or additional load.

If a customer desires to change his load materially, he shall notify the Project sufficiently in advance so that the facilities necessary to serve can be arranged and suitable contracts worked out. If the customer fails to notify the Project and as a result the Project's equipment is damaged, the customer may be held liable for the cost of such damage.

§ 232.12 Apparatus detrimental to service.

(a) *Fluctuating and intermittent loads.* For highly fluctuating loads and intermittent loads which seriously affect voltage regulation the Project may require the installation of suitable corrective devices, or assess a penalty charge or may refuse service.

(b) *Reactive power measurements and power factor penalties.* Reactive power measurements to determine the power factor of an installation may be made either by permanently installed instruments or by test and, when determined by test, the resulting power factor will remain in effect until a new determination is made. For low power factor devices the Project may require the correction to not less than 95% lead or lag, or may require a penalty charge or may refuse service. Reactive power charges (power factor penalties) will be assessed in accordance with the provision of the rate schedule.

§ 232.13 Interruptions to service.

(a) The Project will furnish energy continuously so far as reasonable diligence will permit. Continuous electric service is not guaranteed and the Project, its officers, agents or employees shall not be liable for injury, loss or damage resulting from any failure or curtailment of electric service, nor shall such failure or curtailment constitute a breach of contract. The Project shall have the right to temporarily suspend service for the purpose of making repairs or improvements to facilities, but in such cases, when practicable, advance public notice shall be given and every effort made to make such interruptions as short as possible and at such times as will cause the least inconvenience to the customers.

(b) If the customer's service fails, he shall endeavor to determine if he has blown fuses, tripped breaker, or his equipment is at fault before calling the Project. The customer may be charged the cost of the service call if the trouble is found to be caused by his equipment or actions.

§ 232.14 Discontinuance by consumer and reconnection fee schedule.

(a) Disconnection for customer convenience or to avoid payment of minimum monthly bills will not be allowed. After a customer request for disconnect, the reconnection fee to the same account is as follows:

(b) No charge for reconnection prior to one month from date of disconnect. If the disconnect extends for longer than one month, the non-refundable fee will be $10.00 plus the monthly minimum of the account times the number of whole months elapsing since the date of disconnect.

(c) If the account is not connected for twelve months or over, the installation will be considered as abandoned and the Project may remove its facilities. Re-establishment of the removed service will be governed by § 232.6

(d) Discontinuance of service will be allowed on stock water heaters, irrigation pumps, temporary services, construction services and those under a short term contract.

(e) Area lights will be disconnected with the mother account.

(f) A consumer shall give at least seven working days notice of his desire to discontinue or to reconnect the service. Special trips to the disconnect or reconnect for customer convenience will be billed to the customer.

§ 232.15 Discontinuance and refusal of service by the Project.

(a) *Discontinuance of service.* The Project may discontinue service to any customer including any or all accounts as follows:

(1) Without notice:

(i) In the event of any condition determined by the Project to be hazardous.

(ii) In the event of customer use of equipment in such a manner as to adversely affect the Project's equipment or service to others.

(iii) In the event of any unauthorized use or diversion of service or when any evidence of tampering with meters, transformers, poles or conductors, or interference with the proper functioning thereof is found.

(iv) Upon receipt of orders from proper government authority to discontinue service.

(2) Upon not less than 24 hours' notice:

(i) For violation of and/or noncompliance with any applicable Federal, State, Municipal or other local laws, regulations, and codes.

(ii) For failure of the customer to fulfill his contractual obligations for service.

(iii) For failure of the customer to permit Project reasonable access to equipment or installation.

(3) Upon 72 hours' written notice (excluding holidays, Saturdays and Sundays):

(i) For non-payment of utility service bill following reasonable attempts by Project to effect collection or settlement. Whenever service is discontinued under this rule, Project shall not be required to restore service until a settlement has been made. Project shall also require customer to pay a $10.00 reconnect fee.

(b) *Refusal of service.* The Project may refuse service to any delinquent customer owing for service at a present or previous account, until such past balance has been paid or satisfactory arrangements have been made by delinquent customer for paying. These same provisions shall apply to any other member of the same household or firm when application by this member, in the opinion of the Project, may be a means for evading payment of the delinquent bill. The Project may refuse service if applicant refuses to make deposits as required.

§ 232.16 Billing procedure.

(a) *Bills for service.* Meters will normally be read and bills for electric service presented at regular intervals. Payment by consumer may be made in person or remitted by check or money order through the mails. The Project may refuse to accept personal checks for payment of bills.

(b) *Special bills.* Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing service are due on presentation.

(c) *Bills due prior to service.* Bills for connection or reconnecton of service and required cash deposits shall be paid before service is connected, or reconnected.

(d) *Delinquent bills.* If payment of a bill is not made on or before the fifteenth day following the date of its issue, the project engineer shall discontinue service after notice, and shall not restore the same until the consumer has paid all bills then due as well as a $10.00 reconnection charge, and satisfied any deposit requirement which may exist under § 232.5. The discontinuance of service shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract. A customer shall be notified in writing of the intent to disconnect. Such notice shall be mailed via the United States Post Office to the last known address of the customer. Should there be a dispute as to the amount of the bill paragraph § 232.3 shall apply.

(e) *Bills for new services.* The billing period of new service or new construction shall be started within thirty days after the construction is completed.

§ 232.17 Business located in residences.

Where a small business is conducted as part of a residence the Project shall determine the applicable rate schedule by considering the following factors:

(a) Advertising by display of signs or telephone listing.

(b) Additional construction to accommodate the business portion.

(c) The amount of space devoted to the business in comparison with the residential use.

(d) The facilities for handling customer access and encouragement for customers to enter the premises.

(e) By comparing the business to similar ones in separate buildings or those under the General Rate Schedule.

(f) If the business is licensed.

§ 232.18 Rooming and boarding houses.

Rooming and boarding houses shall be served under one of the general Rate Schedules if more than 50% of the total numbers or areas of sleeping rooms in a house are available to roomers on a rental basis or if the house is licensed as a place of business, it shall be recognized as a rooming house. If not more than 3 single rooms are available for rent, it shall not be recognized as a rooming house and the residential rate will prevail. A boarding house is defined as one which serves more than three guests and one which advertises as a boarding house, or is a licensed place of business.

§ 232.19 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of the rendition of services.

§ 232.20 Hardship cases.

The project engineer may relax temporarily strict enforcement of regulation when in his judgment such enforcement would work undue hardship upon a consumer.

§ 232.21 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

STANDARD RATE SCHEDULES

§ 232.51 Rate Schedule No. 1: Residential, urban and rural.

(a) *Application of schedule.* This schedule is available for single-phase electric service delivered through one meter of a single family residence either urban or rural, for domestic and farm use, including operation of motors as part of the appliances within the residence, no one of which exceeds 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.* (1) 5.0 cents per kilowatt-hour for first 50 kilowatt-hours; (2) 2.5 cents per kilowatt-hour for next 50 kilowatt-hours; (3) 1.3 cents per kilowatt-hour for next 900 kilowatt-hours; and (4) 1.9 cents per kilowatt-hour for all over 1,000 kilowatt-hours.

(c) *Minimum bill.* $5.00 per month rural, $3.00 per month within incorporated municipalities.

§ 232.52 Rate Schedule No. 2: General.

(a) *Application of Schedule.* This schedule is available for single-phase or three-phase electric service not exceeding a maximum demand of 20 kilowatts delivered through one meter for use in lighting, heating, operating appliances, and as power for motors which do not exceed 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold. The use of this schedule is required for a second delivery to a customer's installation that is already being served by Rate Schedule No. 1.

(b) *Monthly rate.* (1) 6.0 cents per kilowatt-hour for first 50 kilowatt-hours; (2) 3.0 cents per kilowatt-hour for the next 50 kilowatt-hours; and (3) 2.5 cents per kilowatt-hour for all over 100 kilowatt-hours.

(c) *Minimum bill.* $5.00 per month rural, $3.00 per month within incorporated municipalities.

§ 232.54 Rate Schedule No. 4: General.

(a) *Application of schedule.* This schedule is available for single-phase and three-phase electric services for all purposes. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the consumer's installations, or for the consumer's convenience, a separate computation shall be made for each meter.

(b) *Monthly rate.* (1) 5.0 cents per kilowatt-hour for the first 50 kilowatt-hours per kilowatt of billing demand.

(2) 2.5 cents per kilowatt-hour for the next 50 kilowatt-hours per kilowatt of billing demand.

(3) 1.3 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 11 kw. of contract demand	0
11 kw. and more but less than 15 kw. of contract demand	4
15 kw. and more but less than 20 kw. of contract demand	6
20 kw. and more but less than 25 kw. of contract demand	8
25 kw. and more but less than 32 kw. of contract demand	10
32 kw. and more but less than 40 kw. of contract demand	12
40 kw. and more but less than 48 kw. of contract demand	14
48 kw. and more but less than 58 kw. of contract demand	16
58 kw. and more but less than 70 kw. of contract demand	18
70 kw. and more but less than 85 kw. of contract demand	20
85 kw. and more but less than 100 kw. of contract demand	22
100 kw. and more but less than 125 kw. of contract demand	24
125 kw. and more but less than 150 kw. of contract demand	26
150 kw. and more but less than 175 kw. of contract demand	28
175 kw. and more but less than 210 kw. of contract demand	30
210 kw. and more but less than 245 kw. of contract demand	32
245 kw. and more but less than 295 kw. of contract demand	34
295 kw. and more but less than 360 kw. of contract demand	36
360 kw. and more but less than 600 kw. of contract demand	38
600 kw. and more but less than 1,000 kw. of contract demand	40
1,000 kw. and more but less than 1,600 kw. of contract demand	41
1,600 kw. and more but less than 2,400 kw. of contract demand	42
2,400 kw. and more but less than 3,500 kw. of contract demand	43
3,500 kw. and more but less than 5,000 kw. of contract demand	44
5,000 kw. and over of contract demand	45

(d) *Additional discount.* If a customer takes delivery at the primary voltage of the distribution or transmission system of the Project and at a location where the Project has adequate and suitable facilities available for such delivery, and if the customer furnishes, installs, operates and maintains the substation or substations with step-down transformers, protective equipment and all other facilities (except metering equipment) needed by the customer in distributing and utilizing the delivery power and energy, all subject to conditions and specifications satisfactory to the project engineer, then in that case an additional discount will be allowed, to be applied after the monthly bill has been computed in accordance with the preceding schedule as follows:

(1) For three phase delivery at the Project distribution voltage, a discount of 5 percent.

(2) For three-phase delivery from the Project transmission system where not more than one transformation intervenes between the highest voltage of the Project power system and the delivery to the customer—a discount of 8 percent.

(e) *Minimum bill.* (1) $1.25 per month per kilowatt of billing demand, but not less than $12.50 per month.

(f) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The contract demand shall not be less than 10 kilowatts.

(g) *Actual demand.* The actual demand for any month shall be the average amount of power used during that period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the project engineer may determine to be appropriate, based on available information as to the customer's use of connected lights and appliances or from check metering.

(h) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(i) *Power factor adjustment.* An adjustment for power factor will be made by increasing the billing demand for each month by one (1) percent for each one (1) percent or major fraction thereof by which the lagging power factor is less than 95%.

§ 232.55 Rate Schedule No. 5: Irrigation pumping and sprinkling.

(a) *Application of schedule.* This schedule is available for single-phase and three-phase service used exclusively for irrigation pumping and sprinkling during the irrigation season, normally April 15 through October 15, where service may be discontinued during the balance of the year and the transformers removed at the discretion of the Project. Unless specifically permitted by the contract, use must be limited to the consumer's premises and must not be resold. If more than one meter is required by the customer's installations, or for the consumer's convenience, a separate computation will be made for each meter.

(b) *Rate per season or fraction thereof.* $7 per horsepower connected; 0.9 cent per kilowatt-hour for all kilowatt-hours used.

(c) *Special terms and conditions.* (1) The minimum annual (seasonal) horsepower charge of $7 per connected horsepower shall be paid each year during the life of the contract. Payment shall be required each year before the service is connected. If the service has not been connected by the close of the irrigation season, but in no case later than October 15, the minimum annual (seasonal) charge will be assessed.

(2) At the close of the irrigation season, but in no case later than October 15 of each year, the meter will be read and the total seasonal energy use (kilowatt-hours) will be computed and billed. The bills shall be due and payable within 30 calendar days after date of issue.

(3) If an account becomes delinquent, the project engineer shall have the option to cancel the contract, remove the Project's facilities, and demand payment of all delinquent bills, plus any penalties provided in the contract for premature termination of the contract.

(4) For a delinquent account to be reconnected payment will be required for all delinquent bills, plus the estimated energy charge for the coming season, plus the annual seasonal charge of $7 per horsepower.

(5) An adjustment for power factor will be made by increasing the seasonal charge for the kilowatt-hours by one (1) percent for each one (1) percent or major fraction thereof by which the lagging power factor is less than 95%.

§ 232.56 Rate Schedule No. 6: Street and area lighting.

(a) *Application of schedule.* This schedule is available in the Project's service area where adequate capacity, phase and voltage are available for individual users of area lighting and for communities who desire a lighting system. Service is from dusk to dawn and the Project will own, operate and maintain the lights, including lamp and globe replacement and furnishing the necessary power and energy. Individual users of area lighting will be required to have another account under the residential or general rate schedules.

(b) *Rate per unit.* (1) Area light installed on existing pole or structure:

7,000 lumen unit—$4.00 per month.

20,000 lumen unit—$5.50 per month.

(2) Area light installed with new wood pole:

7,000 lumen unit—$5.00 per month.

20,000 lumen unit—$6.50 per month.

(c) *Special conditions.* (1) Where more than 150 feet of extension and/or one pole per unit are required the customer will make a nonrefundable contribution for the overage at actual cost to the Project Ownership of all facilities remains with the Project.

(2) The original term of contract shall be not less than 3 years. Should termination be requested by the customer within the contract minimum period, he shall be liable for the in and out costs, or the balance of the contract charges, whichever is the lesser.

(3) In case of municipalities or other entities desiring a lighting system involving 10 or more lighting units with fixtures, supports, or poles or an entity desiring units differing from those supplied as standard, the project engineer shall negotiate a contract for supplying this service.

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Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7396]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Railroad Retirement Taxes; Annual Filing of Returns

This document contains amendments to the Employment Tax Regulations (26 CFR Part 31) to provide for annual filing of returns with respect to taxes imposed by the Railroad Retirement Tax Act for calendar years after 1975. Prior to this amendment, the regulations provided that such returns should be filed quarterly. This modification of the filing requirement will reduce the number of Forms CT-1 filed and thus reduce the processing costs for both employers and the Internal Revenue Service.

Several references to "district director" in these regulations are also being amended through this document in order to conform to current procedures.

Amendments to the regulations. In order to provide for the annual filing of returns with respect to railroad retirement taxes for calendar years after 1975 and to conform the Employment Tax Regulations (26 CFR Part 31) under section 6011(a) of the Internal Revenue Code of 1954 to current procedures, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) of § 31.6011(a)-1 is amended by revising the first and last sentences thereof to read as follows:

§ 31.6011(a)-1 Returns under Federal Insurance Contributions Act.

* * * * *

(c) *Correction of returns or schedules.* If in a return required under this section or § 31.6011(a)-5, or in any other manner, the employer fails to report, or incorrectly reports, the name, account number, or wages of an employee, the employer shall furnish to the internal revenue office with which he is required to file his returns a written statement fully explaining the omission or error; except that such statement is not required by this paragraph if correction of the omission or error is made in connection with a supplemental return, adjustment, credit, refund, or abatement. * * * No particular form is prescribed for making such statement, but if printed forms are desired, any internal revenue office will supply copies of Form 941c or Form 941c PR, whichever is appropriate, upon request.

* * * * *

§ 31.6011 [Amended]

PAR. 2. Section 31.6011(a)-2 is amended as follows:

1. Paragraph (a)(1) is amended to read as set forth below.

2. Paragraph (a)(2) is amended by deleting "district director" and inserting in lieu thereof "director of the service center".

3. Paragraph (b)(2) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the third and fifth sentences of subdivision (i) and in subdivision (ii), and by revising the heading of paragraph (b)(2) and the first sentence of paragraph (b)(2)(i) to read as set forth below.

§ 31.6011(a)-2 Returns under Railroad Retirement Tax Act.

(a) *Requirement*—(1) *Employers.* Every employer shall make a return for the first return period after 1954 within which compensation taxable under the Railroad Retirement Tax Act is paid to his employee or employees for services rendered after 1954, and for each subsequent return period (whether or not taxable compensation is paid therein) until he has filed a final return in accordance with § 31.6011(a)-6. For calendar years after 1975, the return period shall be the calendar year; for calendar years prior to 1976, the return period shall be the calendar quarter. Form CT-1 is the form prescribed for making the return required under this paragraph. One original and a duplicate of each return on Form CT-1 shall be filed with the director of the service center.

* * * * *

(b) *When to report compensation.* * * *

(2) *Pre-1976 returns of employers required by State law to pay compensation on weekly basis*—(i) *In general.* If any

employer is required by the laws of any State to pay compensation weekly in any calendar year prior to 1976, the return of tax with respect to such compensation may, at the election of such employer, cover all payroll weeks which, or the major part of which, fall within the period for which a return of tax is required by paragraph (a)(1) of this section. * * *

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PAR. 3. Paragraph (a)(2)(i) of § 31.6011(a)-6 is amended by revising the first sentence thereof to read as follows:

§ 31.6011(a)-6 Final returns.

(a) *In general.* * * *

(2) *Railroad Retirement Tax Act*—(i) *Form CT-1.* An employer required to make returns on Form CT-1 who in any return period ceases to pay taxable compensation shall make the return on Form CT-1 for such period as a final return. * * *

* * * * *

PAR. 4. Section 31.6011(a)-7 is amended as follows:

1. Paragraph (a) is amended by deleting "district director" and inserting in lieu thereof "internal revenue office with which such person is required to file his returns" in the fourth sentence.

2. Paragraph (b)(1) is amended by revising the first and third sentences thereof to read as follows:

§ 31.6011(a)-7 Execution of returns.

* * * * *

(b) *Use of prescribed forms*—(1) *In general.* Copies of the prescribed return forms will so far as possible be regularly furnished taxpayers by the Internal Revenue Service. * * * Taxpayers not supplied with the proper forms should make application therefor to an internal revenue office in ample time to have their returns prepared, verified, and filed on or before the due date with the internal revenue office with which they are required to file their returns. * * *

* * * * *

Because this Treasury decision will not be detrimental to any taxpayer or employer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 68A Stat. 917 (26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 5, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-1027 Filed 1-12-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Plan—Approval of State Poster and Management Information System

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State Plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah Plan and of the adoption of Subpart E of the Part 1952 containing the decision of approval.

The supplements include:

(a) The Utah State poster which is to be posted at all covered workplaces in the State. The poster, among other things, contains provisions notifying employees of their obligations and protections under the Utah Occupational Safety and Health Act, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under the Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. In cases where a State has a poster informing employees of their protections and obligations as defined in § 1952.10, such poster may be substituted for the Federal poster.

(b) Utah's Management Information System, which will operate as a manual system. The system will provide, among other things, data on inspection type, employee participation, employee discrimination complaints, special State programs, number and type of violations, proposed penalties, and collection of penalties, employee complaints, safety and health complaints, serious and nonserious penalties and violations, training, time utilization, and contested cases.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Utah Industrial Commission, Occupational Safety and Health Division, 488 South 400 East, Salt Lake City, Utah 84111.

3. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the State poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036 November 5, 1974). Further, the Utah Management Information System substantially meets the assurances given by the State when the plan was approved and was reviewed in three semi-annual evaluations by the Assistant Secretary and found to be acceptable.

4. *Decision.* After careful consideration, the Utah plan supplements are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the above, Subpart E of Part 1952 is amended by adding a new § 1952.114 which reads as follows:

§ 1952.114 Completed developmental steps.

(a) In accordance with the requirements of 29 CFR 1952.110, the Utah State poster was approved by the Assistant Secretary on January 7, 1976.

(b) In accordance with § 1952.113(g), the State has developed and implemented a Management Information System.

(Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 7th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-993 Filed 1-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

California Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act

and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, has a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of California Operational Agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that California has met the following conditions for operational status:

(1) Enactment of Assembly Bill No. 150 (California Occupational Safety and Health Act of 1973) effective October 2, 1973, and amendments which became effective January 1, 1975.

(2) Promulgation of State standards covering all issues as defined by Subparts B through S of 29 CFR Part 1910 and by 29 CFR Part 1926, which have been found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health (hereinafter referred to as the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, one hundred sixty-six (166) Compliance Safety Engineers and twenty-four (24) Industrial Health Engineers as of March 31, 1975.

(4) Operation since early 1974, of a review and appeals system before the Occupational Safety and Health Appeals Board, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. Emergency rules and regulations concerning the Appeals Board became effective January 10, 1974, and were replaced by permanent rules, effective May 3, 1974.

(5) State enforcement of State standards since May 1, 1973, under the State occupational safety and health plan and since January 1, 1974, under the California Occupational Safety and Health Act, including three semi-annual evaluations covering the period from January 1, 1974, through June 30, 1975.

(b) In addition the State has provided under its plan for:

(1) Notification to employers and employees since May 1, 1974, of rights and responsibilities under the California Occupational Safety and Health Act by requiring display in all work places covered by the plan of a State poster which was approved by the Assistant Secretary on August 27, 1975 (40 FR 40156).

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective July 1, 1975.

(3) Responding to complaints filed with or referred to the California Agriculture and Services Agency for violation of the prohibition against discrimination by employers against employees for exercising their rights under the California Occupational Safety and Health Act.

(4) Assurances of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective September 30, 1975, and incorporated as part of the California plan has been entered into between Rose E. Bird, Secretary, California Agriculture and Services Agency, and Gabriel J. Gillotti, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918, and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal Government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States; enforcement activity regarding private employers on Federal installations where the Federal agency has claimed exclusive Federal jurisdiction, challenged State jurisdiction and refused entry, such Federal enforcement to continue at least until the jurisdictional question is resolved at the National level between the Occupational Safety and Health Administration and the cognizant Federal agency; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of September 30, 1975, Subpart K of 29 CFR Part 1952 is hereby amended as set forth below.

§ 1952.172 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with California, effective September 30, 1975, and based on a determination that California is operational in the issues covered by the California occupational safety and health plan, discretionary Federal enforcement activity under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as California shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Federal standards contained in the issues covered by Subpart B, 29 CFR Part 1910, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, insofar as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States; enforcement activity regarding private employers on Federal installations where the Federal agency has claimed exclusive Federal jurisdiction, challenged State jurisdiction and refused entry, such Federal enforcement to continue at least until the jurisdictional question is resolved at the National level between the Occupational Safety and Health Administration and the cognizant Federal agency; and investigations and inspections for the purpose of the evaluation of the California plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of the

exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree necessary to assure occupational safety and health protection to employees in the State of California.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C. this 6th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-972 Filed 1-12-76;8:45 am]

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Redesignation

In order to provide a concise and ready reference to its interpretations of provisions of Title I of the Employee Retirement Income Security Act of 1974, the Department of Labor will hereafter publish all of its interpretive bulletins in Part 2509—Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974, of Subchapter A—General. Interpretive Bulletins IB 75-1 through IB 75-8 relating to fiduciary responsibility, and IB RD 75-1 relating to reporting and disclosure, which were previously published in the Federal Register in Parts 2555 and 2556, respectively, have been redesignated and are now included in Part 2509.

Accordingly, 29 CFR Chapter XXV is amended by adding a new Subchapter A—General, and thereunder a new Part 2509—Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974. Interpretive Bulletins formerly found in 29 CFR Parts 2555 and 2556 are redesignated as follows:

Old section	*New section*
2555.75-1 (40 FR 31598)	2509.75-1
2555.75-2 (40 FR 31598)	2509.75-2
2555.75-3 (40 FR 31598)	2509.75-3
2555.75-4 (40 FR 31598)	2509.75-4
2555.75-5 (40 FR 31598)	2509.75-5
2555.75-6 (40 FR 31755)	2509.75-6
2555.75-7 (40 FR 34587)	2509.75-7
2555.75-8 (40 FR 47491)	2509.75-8
2556.75-1 (40 FR 53998)	2509.75-9

Signed at Washington, D.C. this 7th day of January, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-966 Filed 1-12-76;8:45 am]

PART 2555—INTERPRETIVE BULLETINS RELATING TO FIDUCIARY RESPONSIBILITY

PART 2556—INTERPRETIVE BULLETINS RELATING TO REPORTING AND DISCLOSURE

Redesignation and Vacation of Parts

Interpretive bulletins formerly appearing in 29 CFR Parts 2555 and 2556 are transferred to 29 CFR Part 2509 and redesignated.[1] Accordingly, Parts 2555 and 2556 of Chapter XXV of Title 29 are hereby vacated and reserved.

Signed at Washington, D.C. this 7th day of January, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-965 Filed 1-12-76;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 820—AIR FORCE BANDS

Revision of Part

This revision of Part 820 updates and incorporates the complete testing and upgrading program for Air Force Instrumentalists; establishes new training requirements for the Air Force band career field; standardizes requests for music support; updates criteria for Air Force band performances; revises information required on the Band Personnel and Performance Report; establishes the area concept of operations; establishes mandatory musical capabilities for Air Force bands; reassigns the responsibility for assignment recommendations from major commander to departmental level; establishes the organizational level and responsibilities of the office having operational control; and establishes command supervisory responsibility for all band commanders.

Part 820, Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

Sec.
820.1 Purpose.
820.3 Air Force band explained.
820.5 Band mission.
820.7 How bands are classified.
820.9 Band capabilities.
820.11 How bands are programmed.
820.13 How bands are supervised.
820.15 Training and use of assigned airmen.
820.17 How bands procure, maintain, and dispose of musical equipment and supplies.
820.19 The Band Bulletin.
820.21 Direct communication authorized.
820.23 How commanders request band performances.
820.25 How civilian sponsors request a band performance.

Subpart B—Responsibilities; Uniforms and Accessories

820.27 Responsibility of the major commander.
820.29 Responsibility of the command band staff officer.
820.31 Responsibility of the commander having operational control.
820.33 Authorized accessories.
820.35 Special clothing allowance.

[1] See FR Doc. 76-966, Title 29, Supra.

Subpart C—Use of Bands On and Off Air Force Installations

Sec.
820.37 Legal and other restrictions on use of bands.
820.39 Participation authorized for public events.
820.41 Criteria for participation in public events.
820.43 Air Force band participation on a military installation.
820.45 Area concept of operations.
820.47 Area concept of operations areas of responsibility.

Subpart D—Cost of Participation and Funding

820.49 Funding policy.
820.51 Cost of participation in open messes.

Subpart E—Volunteer Drum and Bugle Corps

820.53 How Corps are organized, staffed, and maintained.
820.55 Use of volunteer units.

Subpart F—Monthly Reporting Requirement

820.57 Band personnel and performance report.
820.59 Supply of forms.

AUTHORITY: Sec. 8012, 8634, 8635, 70A Stat. 488, 532; 10 U.S.C. 8012, 8634, 8635.

Subpart A—General Information.

§ 820.1 Purpose.

This part states the mission of Air Force bands and explains how bands are established, classified, programmed, and administered.

§ 820.3 Air Force band explained.

An Air Force band is a numbered or unnumbered musical unit established by an Air Force directive.

§ 820.5 Band mission.

It is the mission of each Air Force band to provide the support in paragraphs (a) through (d) of this section to all Air Force bases located within the assigned geographic area of the band without regard to command affiliation.

(a) Participate in, and provide music for, military formations and ceremonies.

(b) Provide musical support for recreation and entertainment programs at Air Force installations.

(c) Provide musical support for Air Force personnel procurement programs.

(d) Provide musical support for the Air Force community relations program.

§ 820.7 How bands are classified.

Air Force bands are classified as special bands or as numbered Air Force bands as indicated in paragraphs (a) and (b) of this section.

(a) Special bands include: (1) The USAF Band, Bolling Air Force Base, Washington, D.C. 20332, assigned to Headquarters Command United States Air Force. The Director of Information (SAF/OI) is responsible for its operational control.

(2) The USAF Academy Band, assigned to the USAF Academy, Colorado 80840. The Commandant of Cadets exercises operational control for Cadet activities. The Chief of Staff, USAF Academy, exercises administrative and logistical control for other than Cadet activities.

(b) Numbered Air Force bands are strategically located throughout the Air Force to support Air Force musical requirements. Air Force bands are listed in

AFM 190–9, Information Policies and Procedures. These bands may use titles for publicity purposes. However, these titles are unofficial and should not be used in official correspondence or as justification for committing a band outside its geographic area of responsibility.

§ 820.9 Band capabilities.

Each numbered Air Force band maintains the operational units in paragraph (a) of this section. Although manning has a definite effect on any band's operational capabilities, SAF/OI approval is required to eliminate any of these mission essential units. Every effort must be made to utilize these units to the maximum extent possible.

(a) The units in paragraphs (a) (1) through (6) of this section are mandatory units for all numbered Air Force bands.

(1) *Marching/ceremonial band.* Designed to fulfill all military ceremonial requirements. Additionally, it is capable of performing at official civil functions (defined in Part 824 of this chapter) and public parades.

(2) *Concert band.* Designed to perform high school, college, and civic concerts and patriotic programs in addition to support of base recreation activities.

(3) *Show/dance band.* Composed of 16 to 20 Instrumentalists, performs the variety of music necessary to satisfy Air Force requirements for musical support at the recreation and social events in § 820.43. Additionally, this unit performs high school, college, and civic concerts.

(4) *Protocol combo.* Composed of three to six Instrumentalists, provides background, dinner, and dance music, as required, at the recreation and social events in § 820.43.

(5) *Popular music combo.* Composed of four to eight Instrumentalists, performs the latest in popular music. It may be scheduled at school concerts in conjunction with recruiting programs in addition to support of recreation and social events in § 820.43. Due to the unique mission requirements and the instrumentation necessary, the protocol and popular music combos should be separate entities. Although available manpower resources may require occasional duplication of some Instrumentalists in these groups, it is discouraged.

(6) *Individual musicians.* Individual Instrumentalists support specialized requirements for buglers, pianists, and other musicians.

(b) Air Force bands are encouraged to exercise initiative in the formation and utilization of additional units, such as woodwind and brass ensembles, Dixieland, German, and country/western bands; and glee clubs.

(c) With the exception of 35 piece bands, each numbered Air Force band is established to provide the simultaneous operation of two or more units. This is not intended to prevent bands from utilizing their fully authorized strength in a major parade or concert; however, normal operations should be conducted in the multiunit manner explained in (1) through (3) of this paragraph.

(1) Concert/marching band and popular music combo: 45 piece bands.

(2) Concert/marching band and show/dance band: 60 piece bands.

(3) Concert/marching band, show/dance band, and protocol or popular music combo: 70 piece bands.

§ 820.11 How bands are programmed.

Due to the limited number of Air Force bands and the necessity to achieve maximum utilization through the geographic area concept of operations which transcends command lines, programming the number, size, and location of Air Force bands is accomplished within the Air Staff in accordance with current manpower programming directives. Forward requests for changes in the Air Force band program through channels, to SAF/OI for appropriate action.

§ 820.13 How bands are supervised.

(a) *At departmental level.* The Bands Branch, Community Relations Division, Office of Information, Secretary of the Air Force (SAF/OICE), is the functional manager of the Air Force band programs and monitors all aspects of the program (including bands assigned to the Air National Guard) through technical inspections, reports, written and telephonic communications, and:

(1) Recommends the assignment of Instrumentalists to achieve the best possible balance of instrumentation and effectiveness of each band through close coordination with assignment agencies located at HQ USAF/MPC.

(2) Coordinates the reassignment of band officers, band superintendents, and Master Sergeant Instrumentalists with PALACE INFO and Senior Airman Assignments Branch located at HQ USAF/MPC.

(b) *At major command level.* Each major commander appoints a band officer to perform the additional duty of command band staff officer. His duties and responsibilities include, but are not limited to:

(1) Assisting the commander in the supervision of band activities through technical inspections, reports, and written and telephonic communications.

(2) Functioning as a member of the command inspection team to evaluate Air National Guard bands. Air National Guard bands are under the technical supervision and the responsibility of the command band staff officer.

(c) *At all levels.* Operational control of Air Force bands is the responsibility of the highest command level Information Office located on bases where bands are assigned. Bands are separate squadrons and band officers serve primarily as squadron commander; therefore, band commanders should be supervised by the pertinent commander in the chain of command.

§ 820.15 Training and use of assigned airmen.

(a) Air Force band commanders will establish and maintain training programs as described in (1) through (3) of this paragraph and in AFM 50–23, On-the-job Training.

(1) Use Instrumentalist Proficiency Requirements (IPR) as identified in the forms listed in (i) through (xv) of this subparagraph for all levels of on-the-job training (OJT). When the IPR is incorporated into the AF Form 623, Consolidated Training Record, it will be redesignated as the Job Proficiency Guide (JPG) described in AFM 50–23.

(i) AF Form 3032, IPR—Saxophone—87130/40/70B.

(ii) AF Form 3033, IPR—Bassoon—87130/50/70C.

(iii) AF Form 3034, IPR—Oboe—87130/50/70D.

(iv) AF Form 3036, IPR—Flute—87130/50/70E.

(v) AF Form 3038, IPR—French Horn—87130/50/70F.

(vi) AF Form 3042, IPR—Trumpet—87130/50/70G.

(vii) AF Form 3044, IPR—Baritone Horn—87130/50/70H.

(viii) AF Form 3045, IPR—Trombone—87130/50/70J.

(ix) AF Form 3046, IPR—Tuba—87130/50/70K.

(x) AF Form 3049, IPR—Percussion—87130/50/70L.

(xi) AF Form 3050, IPR—Piano—87130/50/70M.

(xii) AF Form 3051, IPR—Guitar—87130/50/70P.

(xiii) AF Form 3053, IPR—Arranger—87130/50/70P.

(xiv) AF Form 3057, IPR—Vocalist—87130/50/70R.

(xv) AF Form 3058, IPR—Electric String Bass—87130/50/70S.

(2) Individual lessons are administered all personnel in OJT at least once each week. Leave and illness will be the only acceptable justification for noncompliance with this requirement. Unit TDYs will not release the trainer and trainee from this responsibility. Continually record these lessons on AF Form 3029, Lesson Assignment and Evaluation, and do not remove them from the training record prior to entry into the next level of training.

(3) In the band career field, the Specialty Knowledge Test (SKT) is a performance test. The SKT administered at each level must be consistent with the requirements in paragraphs (a)(3) (i) through (xv) of this section. Test results are entered into the individual's training record as either "qualified" or "unqualified."

(i) *Three-level woodwind and brass tests.* Scales—All major scales (two octaves) eighth notes, moderate tempo. Chromatic scale (two octaves), eighth notes, moderate tempo; Solo—Performs one or more grade four solo(s), (medium to medium-difficult) demonstrating range, style, and articulation; Sight reading—Sight reads material selected from standard methods (see IPR) and representative band literature to include dance band music if appropriate; Performance—Performs in an acceptable manner in ensemble.

(ii) *Five-level woodwind and brass tests. Scales*—Major and minor (melodic and harmonic) scales (two octaves), eighth notes at moderate tempo; chromatic scale (two octaves) and arpeggios (two octaves), eighth notes at moderate tempo; Solo—Perform one or more grade five (medium-difficult to difficult) solo(s) demonstrating tone, range, technique, articulation and style. Includes jazz solos; Sight reading—Sight reads, accurately, material selected from standard methods (see IPR) and representative band literature rated medium difficult to difficult to include dance band music if appropriate. Particular attention is given to phrasing, articulation and style; Music theory (see IPR) — Demonstrates thorough understanding of basic music theory to include scales, chord structure, and transposition; Secondary instrument (as outlined in IPR)—Performs on secondary woodwind or brass instrument in accordance with criteria for the three-level requirements (see (i) of this subparagraph) (secondary instrument is required for clarinet, bassoon, oboe, flute, baritone horn, and tuba); Improvisation (see IPR)—Improvises, utilizing given chord or melodic line, maintaining integrity of key, style, and feeling. Improvises on eight or 12 bar "Blues" progressions in various keys and tempos (improvisation required of saxophone, trumpet, and trombone); Performance—Performs satisfactorily in all ensembles and as a soloist.

(iii) *Seven-level woodwind and brass tests.* Scales—Major and minor scales, eighth notes at moderate tempo; performs scales in thirds and arpeggios, eighth notes, at moderate tempo; Solos—Performs a difficult solo illustrating style, phrasing and technique. Improvised solos are acceptable for saxophone, trumpet and trombone; Sight reading—Sight reads medium difficult to difficult music with accuracy. Sight reading for saxophone, trumpet and trombone includes dance band, popular, and rock music; Secondary instrument (as outlined in IPR)—Maintains proficiency on secondary instrument (required for clarinet, bassoon, oboe, flute, baritone horn, and tuba); Theory and improvisation (see IPR)—Improvises from melodic lines and chord changes. Reads chord symbols and performs solos utilizing same (required for saxophone, trumpet, and trombone; conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(iv) *Three-level percussion test.* Rudiments—Performs first seven basic standard rudiments at various tempi and in differing combinations; Solos—Performs on several different percussion instruments numerous solo or ensemble sections from selected medium difficult literature to include methods and music from the band's repertoire. Constructs solos using all instruments of the drum set; Sight reading—Sight reads several percussion parts of medium difficulty. Sight reads dance band or combo lead sheets; Performance—Performs in an acceptable manner in ensembles.

(v) *Five-level percussion test.* Rudiments—Performs first 13 standard rudiments at various tempi and in differing combinations; Scales—Performs C, F, G, Bb, D, Eb, and Ab major scales on keyboard percussion instruments in eighth notes at moderate tempo; Solos—Performs on several different percussion instruments, solo or ensemble sections from medium-difficult to difficult (grade five) literature to include methods and music from the band's repertoire. Constructs solos on the drum set using polyrhythms and permutations; Sight reading—Sight reads medium-difficult to difficult percussion parts. Reads with accuracy dance, rock and combo lead sheets; Performance—Performs satisfactorily in all ensembles as assigned.

(vi) *Seven-level percussion tests.* Rudiments—Performs all 26 standard rudiments at various tempi and in differing combinations; Scales—All Major and Minor Scales and arpeggios on keyboard instruments (two Octaves); Solos—Performs very difficult (grade six) solo or ensemble literature on snare drum, tympani, keyboard instruments, and the drum set; Sight reading—Sight reads difficult (grade five or six) literature selected from methods or the bands repertoire. Reads with accuracy rock, dance band, and combo lead sheets; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(vii) *Three-level piano test.* Scales—Performs all major and minor scales, arpeggios (two Octaves), eighth notes at a moderate tempo; Solo—Performs solo literature which demonstrates technical facility, interpretation, and style. A jazz, rock, or swing solo is acceptable; Sight reading—Sight reads standard medium-difficult piano literature selected from methods, ensemble music, or dance band piano music. Sight reads accompaniments for vocal or chloral selections; Performance—Performs satisfactorily in all areas assigned.

(viii) *Five-level piano test.* Scales—Performs all major and minor scales in four octaves, parallel and contrary motion, at a moderate tempo; Solos—Performs a solo from the classical repertoire for piano. Performs several selections from a minimum repertoire of 20 compositions of popular music demonstrating style, phrasing, rhythmic competency, and voicings unique to popular music; Sight reading—Sight reads medium-difficult piano scores, vocal arrangements, and dance band lead sheets with accuracy; Theory/improvisation—Improvises, from chord symbols, varying types of dance, popular, or rock music. In different keys and varying tempi, improvises on 8 or 12 bar "blues" patterns; Performance—Performs satisfactorily in all ensembles or as a soloist as may be assigned.

(ix) *Seven-level piano test.* Scales—All major and minor scales, major and minor arpeggios in root position and inversions at moderate tempi; Solos—Performs a solo from the classical literature for piano. Jazz, pop, and rock solos, based on chord lines, improvised and expanded to demonstrate abilities as a dance band/combo performer; Sight reading—Sight reads with accuracy difficult accompaniments, scores, lead sheets, dance band parts, and other material from methods or classical literature; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles and Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(x) *Three-level guitar test.* Scales—Major and minor scales (two Octaves) eighth notes, moderate tempo. Major, minor, and seventh chords; Solos—Performs solo sections and accompaniment sections from various types and styles of music (primarily popular and rock); Sight reading—Sight reads lead sheets, melodic lines, and chord symbols with accuracy; Performance—Performs satisfactorily in ensembles or as a soloist as assigned.

(xi) *Five-level guitar test.* Scales—All major and minor scales (two Octaves) at various tempi. All major, minor, and seventh chords in various combinations; Solos—Performs jazz, rock, dance, and popular solos or sections of music performed by the band. Solo includes an improvised section based on chord symbols only; Sight reading—Sight reads chord changes, melodic lines, and guitar voicings from medium difficult literature selected from methods or music for the guitar; Theory/improvisation—Improvises several styles of music using only chord symbols as a guide. Performs several tunes from memory; Secondary instrument—As outlined in IPR; Performance—Performs in a satisfactory manner in all ensembles as assigned.

(xii) *Seven-level guitar test.* Scales—Major and minor scales 7th, 9th, 13th, augmented and diminished chords; Solos—Performs several styles of solos to include light classical, popular, rock, and jazz idioms; Sight reading—Sight reads difficult guitar music with accuracy. Reads lead lines, chords, and written guitar music; Secondary instrument—Maintains proficiency and performs in an acceptable manner; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band related

administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(xiii) *Three-level arranger test.* Arranging—Arrangements for the dance/show band and combos are evaluated. Arrangements must be written during the training period and used by the various ensembles. Particular attention is given to style, nuances, proper chord changes, and uniqueness; Performance—Performs satisfactorily in all areas assigned.

(xiv) *Five-level arranger test.* Arranging—Arrangements of popular music and vocal arrangements for various ensembles are evaluated. Arrangements must be completed during the training period, and be of the highest professional caliber; Performance—Performs satisfactorily in all areas as assigned.

(xv) *Seven-level arranger test.* Arranging—Arrangements for all instrumental and vocal combinations in all styles are evaluated. Arrangements should include marching band, concert band, dance/show band, popular music ensemble, combo, vocal groups, and vocalist compositions. Arrangements must be of the highest professional quality with inventive writing displayed demonstrating the arranger's grasp of the capabilities of each group; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all assigned duties.

(xvi) *Three-level vocalist test.* Range and tone—Sings a series of vocal exercises that effectively demonstrate minimum ranges as explained in IPR. Tone quality throughout should be very good; Style—Performs at least one selection in each of the following musical styles—popular, rock, country and western, and ballad. Particular attention must be paid to intonation, phrasing, and stylistic nuances unique to each category; Sight reading—Sight reads medium-difficult vocal parts to popular, country and western, or ballads with accuracy; Music theory—As outlined in IPR; Performance—Performs satisfactorily in ensembles as a soloist as assigned.

(xvii) *Five-level vocalist test.* Range and tone—Sings a series of vocal exercises that effectively demonstrate minimum ranges as explained in IPR. Tone quality should be consistent throughout the entire range; Style—Performs at least one selection in each of the following styles—rock, swing, country and western, ballads, and show music. Particular attention to intonation, phrasing, and stylistic nuance is required; Sight reading—Sight reads medium-difficult vocal parts or lead lines without accompaniment with accuracy. Also reads vocal parts with accompaniment with particular attention to phrasing, dynamics, style, and musical qualities; Secondary instrument—As outlined in IPR; Music theory—As outlined in IPR; Performance—Performs from memory, with instrumental ensembles, standard selections in the aforementioned styles. Performs in a satisfactory manner as assigned.

(xviii) *Seven-level vocalist test.* Range and tone—Performs exercises to demonstrate phrasing, tone and range outlined in IPR; Style—Performs selections demonstrating the following styles—rock, country and western, ballads, jazz, swing, show music, and semiclassical. Vocalist must be able to adapt to varying styles; Sight reading—Sight reads vocal music from different styles with accuracy; Secondary instrument—Maintains proficiency and performs as required; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies, conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(xix) *Three-level electric/string bass test.* Scales—Major scales and arpeggios in eight notes at moderate tempo; Solos—Performs solo demonstrating technical facility and ability as a performer. Solo can be a jazz or rock solo based on a melodic or chord line; Sight reading—Sight reads medium-difficult bass music with accuracy. Reading of dance band melodic sheets or parts is required; Performance—Performs satisfactorily as assigned.

(xx) *Five-level electric/string bass test.* Scales—Major and minor scales, arpeggios in eighth notes (two Octaves) moderate tempo; Solos—Performs solos demonstrating technique, tone, phrasing, and control. Solo based on dance band, popular, or rock music melodic line and chord symbols is required; Sight reading—Sight reads medium-difficult to difficult bass music selected from methods or literature for bass. Reads dance band and popular music ensemble music with accuracy; Theory/improvisation—Improvises bass lines having only chord symbols as a guide; Secondary instrument—As outlined in IPR; Performance—Performs satisfactorily in ensembles as assigned.

(xxi) *Seven-level electric/string bass test.* Scales—All major and minor scales, arpeggios (two Octaves); Solos—Perform solo literature to include improvised jazz, rock and popular bass lines; Sight reading—Sight reads with accuracy, difficult music for bass. Reading of dance band, popular music, and rock music is required with accuracy; Theory/improvisation—Performs bass lines based on chord symbols only; Secondary instrument—Performs satisfactorily as required; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(b) Who Will Administer Tests. Three-level and five-level tests are administered by an Air Force Band Officer (or Band Superintendent when no Band Officer is assigned). This responsibility is not delegated. Seven-level tests are administered by two Band Officers, one of which must be in the grade of Captain or higher. A Band Superintendent may be substituted for the lower ranking Band Officer if a second Band Officer is not available. When these requirements cannot be met within command resources, request assistance from the Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330.

(c) When and where tests will be given. Tests at all levels are administered at any installation that has an assigned Air Force band.

(d) Band commanders are authorized to program funds in their annual budget to cover costs of private instrumental lessons for airmen. The Band commander is responsible for determining those personnel who require this type training with benefits to be derived by the Air Force being of paramount importance. Funds should be requested under EEIC 551.XX, Education Services. Requests for procurement of lessons shall be submitted on AF Form 9, Request for Purchase, to the installation procurement office. Only highly qualified civilian instrumental instructors are utilized under provisions of this paragraph and the desired instructor shall be designated on the AF Form 9.

(e) An airman assigned to an Air Force band must qualify by performing on instruments listed in applicable Unit Detail Listings (UDLs) and AFM 39–1, Airman Classification Manual. His performance must conform to Instrumentalist performance requirements and specialty descriptions.

(f) Every airman assigned or attached to an Air Force band must perform regularly with the band in all performances as designated by the band commander.

§ 820.17 How bands procure, maintain, and dispose of musical equipment and supplies.

(a) *Procurement.* The band. (1) Obtains equipment prescribed in applicable Table of Allowance (TA) and authorized in the Equipment Authorization Inventory in the Equipment Authorization Inventory Document (EAID) in compliance with AFM 67–1, USAF Supply Manual, procedures.

(2) Requests special equipment or instruments not prescribed in applicable TA, in compliance with AFM 67–1, Volume IV, procedures.

(3) Purchases supplies, expendable equipment, and music locally in compliance with AFR 70–18, Local Purchase Program. Exception: The United States Air Force Band stocks the U.S. National Anthem, "Hail to the Chief," and the national anthems of foreign countries. The band requests copies of parts as needed from the USAF Band, Bolling AFB, Washington, D.C. 20332.

(b) *Maintenance.* The using activity performs organizational maintenance to the maximum extent possible. Maintenance and repairs beyond the technical capability of the using activity, are accomplished commercially under AFM 70–4, Management of Base Contract Maintenance.

(c) *Disposition.* The band reports excess musical equipment procured from appropriated funds for disposition instructions as stated in AFM 67–1. Excess musical equipment procured from nonappropriated funds is disposed of as stated in AFR 34–3, Morale, Welfare and Recreation Basic Responsibilities, Policies and Practices. When the band is inactivated, the command band staff officer recommends disposition of its musical library to Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330.

§ 820.19 The Band Bulletin.

The Bands Branch publishes the quarterly USAF Band Bulletin and distributes it to each Air Force band and band staff officer. The bulletin contains information on technical internal operation of Air Force bands, suggestions on improved music techniques, recommendations for making Air Force bands more effective, and news of interest.

§ 820.21 Direct communication authorized.

To insure that band matters are properly coordinated.

(a) Command band staff officers are authorized direct communication on technical matters with Bands Branch (SAF/OICE).

(b) Major commanders may authorize direct communication between the command band staff officer and other band officers within the command for technical band matters.

§ 820.23 How commanders request band performances.

(a) *The U.S. Air Force Band.* The primary mission of the USAF Band and its component units is to provide music for military and other government ceremonies and functions in the Washington, D.C. area, and to prepare transcriptions in support of the Air Force's sustaining radio programs. Availability for performances outside the Washington, D.C. area is extremely limited. However, units of the band are made available to Air Force bases in support of authorized social events (explained in § 820.43) to the maximum extent possible. Commanders having a requirement for a unit of the USAF Band should complete an AF Form 3030, Air Force Band Request and forward it to HQ USAF (SAF/OICE), Washington, D.C. 20330, to arrive no later than 90 days before the event. Transportation for the USAF Band is provided or arranged by the requesting agency unless otherwise directed by SAF/OI. Headquarters Command USAF provides per diem funds when available.

(b) *Numbered Air Force bands.* Numbered Air Force Bands are available for use at all Air Force installations in their assigned geographical area. To insure maximum utilization and minimum cost, requests for numbered Air Force bands are forwarded on the AF Form 3030 to the Information Office with the operational control of the nearest Air Force band. Requests for an exception to this policy are forwarded to HQ USAF (SAF/OICE), Washington, D.C. Such requests for an exception should clearly justify why the nearest band is not being utilized.

§ 820.25 How civilian sponsors request a band performance.

To aid civilian sponsors and to guide Air Force officials receiving such requests, AF Form 3030 is used. A copy of this form is forwarded with all requests requiring Headquarters USAF or Department of Defense approval. With the exception of those events in § 820.49(a), all performances in the public domain which result in additional cost (defined in AFR 190–5, Air Force Participation in Public Events) to the government must be approved by the Department of Defense through the Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330. Requests for approval to participate in events prohibited by this regulation are not forwarded without sufficient justification to warrant consideration of an exception to policy. If it is necessary to decline a request for participation, units clearly explain the reason and quote Air Force policy as outlined by this part. Requests for band participation which originate from a civilian sponsor are forwarded in the following manner:

(a) *The U.S. Air Force Band.* Information officers forward civilian sponsor requests for the USAF Band or its component units, through channels, to HQ USAF (SAF/OICE), Washington, D.C. 20330. Organization, intermediate command, and major command recommendations must be included.

(b) *Numbered Air Force bands.* Information officers forward civilian requests for band participation for other than the Air Force Band, Washington, D.C. to the Information Office which has operational control of the Air Force band located nearest the site of the event. Recommendations concerning participation must be included.

Subpart B—Responsibilities; Uniforms and Accessories

§ 820.27 Responsibility of the major commanders.

(a) Provides adequate facilities (see AFM 86–2, Standard Facility Requirements) for the welfare, training, and efficient functioning of band personnel. Such facilities include:

(1) Acoustically treated rehearsal studio and individual practice rooms.

(2) Music library, administrative office, secure storage area for musical instruments and supplies, and lockers for dress or formation uniforms.

(3) Day room.

(b) Insures that a band member is not detailed to activities that interfere with his duties as a musician. Each band member must be available for all rehearsals and performances in order for the unit to properly accomplish its mission.

§ 820.29 Responsibility of the command band staff officer.

(a) Serves as band commander.

(b) Assists the major commander in accomplishing § 820.13(b) and § 820.27.

§ 820.31 Responsibility of the commander having operational control.

The commander exercising operational control over a band determines whether any use of the band in the public domain conflicts with this part, and enforces its provisions. He is authorized to approve participation of bands in such events or activities as those stated §§ 820.39 and 820.43.

§ 820.33 Authorized accessories.

In addition to articles of uniform authorized by TA–016 and AFM 35–10, Dress and Personal Appearance of Air Force Personnel, the major commander may authorize band members under his jurisdiction to wear distinctive uniform accessories. Accessories are those decorative items which can be attached and detached and worn only in connection with official musical duties. Sewed-on items that permanently alter the basic uniform are not authorized. (Expenditure of Military Welfare Funds is limited by Para 7–3, Vol III, AFR 34–3.)

§ 820.35 Special clothing allowance.

Supplemental uniform clothing allowances for airmen assigned to Air Force bands are prescribed in AFR 67–57, Uniform Clothing Allowances for Airmen.

Subpart C—Use of Bands On and Off Air Force Installations

NOTE: "Bands" as used in this subpart include Air Force bands, component musical groups, and individual members of Air Force bands.

§ 820.37 Legal and other restrictions on use of bands.

The use, employment, or assignment of bands off military installations is governed:

(a) By U.S.C., Title 10, Section 8634. "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(b) By U.S.C., Title 10, Section 974. "Except as provided in Section 6223 of this title no enlisted member of an armed force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession."

(c) By the Secretary of Defense. The Secretary of Defense establishes policies for the effective and economical use of Service bands in public events, demonstrations, ceremonies, and other activ-

ities in the civilian domain. Except as stated herein, he retains the authority to approve participation by Air Force bands:

(1) In any event in the public domain which results in additional cost to the government, except those events in § 820.49(a).

(2) In public events in the Washington, D.C. area.

(3) In events of national or international significance including national conventions and meetings. See exceptions for Unified and Specified Commands in § 820.37(d).

(4) In pre-season, post-season, or known programmed national sports and professional athletic events within the United States.

(5) In nationally televised events.

(6) In recordings by Air Force bands. Approval must be obtained prior to production of the recording.

(d) By Unified and Specified Commands:

(1) Within the 50 States, coordination is effected with the Unified and Specified Command on community relations programs and public events significantly affecting that command. In the same manner, Unified and Specified Commands are required by the Department of Defense to coordinate with HQ USAF and the Air Force major commands on programs requiring Air Force support.

(2) Overseas, the Secretary of Defense has delegated authority for the approval of public event participation to the Unified or Specified Commanders. This authority may be delegated. While Air Force major commands overseas will operate their programs in conformance with this regulation to the maximum extent possible, the policy direction and guidance provided by their Unified or Specified Command headquarters will take precedence. Oversea Air Force major commands also advise the Secretary of the Air Force (SAF/OIC) when participation in any public event significantly affects their operations or requires major administrative, financial, or logistical support. Air Force oversea major commands budget, in annual financial plans, for costs of public event participation in support of their own command community relations programs and for their share of Unified and Specified Command programs as requested by that command.

§ 820.39 Participation authorized for public events.

Air Force bands are authorized to provide the participation listed below for public events which meet the criteria established in § 820.41. Authorization to participate does not waive the funding requirements of § 820.49.

(a) Patriotic Programs. Air Force bands may perform patriotic programs at civilian-sponsored social, civic, cultural and athletic events provided such participation does not place military musicians in competition with civilian musicians. A patriotic program is a 10 to 15 minute musical presentation which assists civilian sponsors in providing proper honors to the flag and country. It consists of a medley of patriotic or military songs, a selection which demonstrates the military musicians' professionalism, appropriate honors, and music to accompany the presentation of the colors. Although many different musical presentations can be patriotic in nature, the only participation authorized for civilian-sponsored events, other than Official Civic Ceremonies (see AFR 190–5, Air Force Participation in Public Events), is the program described above. Bands are not authorized to provide entertainment music such as background, dinner, dance or other social music, for civilian-sponsored events. When scheduling a patriotic program, the key question that must be answered is whether or not the purpose of the band's participation is to assist in rendering honors or merely to provide entertainment music, gathering music, or fill-the-dead-space music.

(b) Parades. Air Force bands may participate in public parades sponsored by the community as a whole, rather than by a single commercial venture, and held on a Sunday, holiday or at a time when shops are closed for business. Representation by individual commercial ventures in such parades need not be a bar to participation, as long as the emphasis is planned for, and placed on, the civic rather than commercial aspects.

(c) Concerts. Air Force bands may perform public concerts in the traditional setting. Such concerts, particularly those in high schools and colleges, provide excellent support for Air Force Recruiting. Band concerts must be free of charge and open to the public. Bands may perform concerts at fairs, exhibitions, or similar events which are open to the public and charge a general admission. However, specific or additional charges will not be made to observe the concert or defray the cost of Air Force participation.

§ 820.41 Criteria for participation in public events.

The following guidelines are applicable to all public performances by Air Force bands:

(a) Public performances by Air Force bands should be scheduled to provide maximum support of Air Force Recruiting. Band Commanders are authorized, and should maintain, liaison with Air Force Recruiting Advertising and Publicity Officers located within their band's assigned area of operations. Coordination should be made between the band's Operations Section and the Advertising and Publicity Section of the local Recruiting Detachment before scheduling any public performance.

(b) Admission, seating, and all other accommodations and facilities connected with an Air Force band performance must be available to everyone without regard to race, creed, color, or national origin.

(c) Organizations or groups sponsoring an Air Force band performance must not exclude any person from its membership, or practice any form of discrimination in its functions based on race, creed, color, or national origin.

(d) An Air Force band performance must not directly or indirectly indorse, benefit or favor, or appear to indorse, benefit or favor, any private individual, sect, fraternal organization, commercial venture, or political group, or be associated with the solicitation of votes in a political election. Fraternal organizations are explained in AFR 190–5.

(e) Air Force band performances in support of fund raising activities are limited to:

(1) Officially recognized federated and joint campaigns, such as United Funds, Community Chests, Federal Service Campaigns for the National Health Agencies, and so forth.

(2) Fund appeals authorized by the President or the Chairman of the Civil Service Commission.

(3) Collections for authorized military aid societies.

(4) Public or sports events held for the sole purpose of raising funds for United States teams competing in the Pan-American and Olympic Games. As an exception, Unified or Specified Commands may authorize band participation in athletic competitions within their Commands in support of local or indigenous fund raising efforts.

§ 820.43 Air Force band participation on a military installation.

Air Force bands are authorized and encouraged to provide the on-base participation listed below for any military organization.

(a) Ceremonies. Air Force bands are authorized to participate in all military ceremonies.

(b) Social Events. Air Force bands may provide background, dinner, entertainment or dance music for events officially sponsored and attended by senior military officials in the performance of their official duties. Nonfederalized National Guard and nonextended active duty Reserve social events are not activities for which band participation may be authorized. Social events for which participation may be authorized for active duty units are:

(1) Formal Receptions. Background music is authorized for receptions hosted by the Commander. Such receptions traditionally feature a receiving line. Dinner and dancing are not considered part of a Formal Reception.

(2) Esprit-de-Corps Dinners/Dances. Air Force bands are authorized to participate in organization parties designed for troop welfare and morale and the development of esprit-de-corps provided attendance at such parties is not restricted by rank and open to all members of the organization, including officers, noncommissioned officers, and airmen. Participation is authorized for these events if held off-base provided a suitable on-base facility, is not available. A charge levied to defray the expenses of food, beverage, and other incidental expenses does not prevent participation. Officer, Non-Commissioned Officer, or Airmen Dinings-Out are not events for

which participation may be authorized.

(3) Community Relations Dinner/Dances. Air Force bands may participate in Command-sponsored community relations dinner/dances provided a high percentage of those attending are civic leaders.

(4) Dinings-In. Air Force bands may participate in Dinings-In with ceremonial and background music.

(c) Recreation Activities. Air Force bands are authorized to provide musical support for Air Force Recreation Programs. Participation at social events sponsored by clubs with a dues paying membership is not authorized even though these clubs may be sanctioned by Air Force Recreation Services.

(d) Air Force ROTC and Junior Air Force ROTC Events. Air Force bands may participate in Air Force ROTC and Junior Air Force ROTC ceremonial events. Additionally, participation is authorized in Military Balls provided that the event is held on school premises or on an active duty military installation and attendance is limited to ROTC Cadets, faculty members, and guests. Appropriated funds are authorized for this participation; however, if funds are not available, the Air Force ROTC unit must provide transportation and per diem funding. These costs, incurred due to the band's participation, may be absorbed by an admission charge provided any profits are donated to the Air Force Assistance fund.

§ 820.45 Area concept of operations.

The geographic area concept of operations was established in an effort to provide maximum utilization of Air Force bands within funding constraints. § 820.47 establishes the Primary and Secondary Areas of Operational Responsibility for each Air Force band in the United States. Each band should concentrate its efforts in the designated primary area of responsibility. Prior to a band being scheduled to perform in its Secondary Area of operations, assurance must be obtained in writing that the band which has the Primary Responsibility for this area is not available because of prior commitments, leave, and so forth. Before a band is scheduled outside its Primary or Secondary Areas of Responsibility, approval must be obtained in writing from SAF/OICE. Requests for an exception to this policy must be fully justified and submitted to arrive no later than 90 days prior to the event. Such requests should be held to a minimum.

§ 820.47 Area concept of operations areas of responsibility.

Band	Primary area(s)	Secondary area(s)
502d Air Force Band, Keesler AFB, Miss.	Mississippi	Louisiana, Arkansas, Alabama, Florida.
505th Air Force Band, Chanute AFB, Ill.	Illinois, Indiana, Wisconsin	Michigan, Ohio, Minnesota, Iowa, Missouri, Kentucky.
523d Air Force Band, March AFB, Calif.	California, Nevada	Arizona, Utah.
528th Air Force Band, Scott AFB, Ill.	Illinois, Missouri	Kansas, Nebraska, Iowa, Wisconsin, Indiana, Kentucky, Tennessee, Arkansas, Minnesota.
539th Air Force Band, Lackland AFB, Tex.	Texas	New Mexico, Oklahoma, Louisiana.
541st Air Force Band, Luke AFB, Ariz.	Arizona, New Mexico, Utah	California, Nevada.
564th Air Force Band, Langley AFB, Va.	Virginia, Maryland, North Carolina	Pennsylvania, Delaware, West Virginia, South Carolina, New Jersey.
581st Air Force Band, Robins AFB, Ga.	Georgia, South Carolina	North Carolina, Tennessee, Alabama, Florida.
589th Air Force Band, MacDill AFB, Fla.	Florida	Mississippi, Alabama, Georgia, South Carolina.
590th Air Force Band, McGuire AFB, N.J.	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania.	Maryland.
604th Air Force Band, Maxwell AFB, Ala.	Alabama, Tennessee	Mississippi, Georgia, Florida.
661st Air Force Band, Wright-Patterson AFB, Ohio.	Ohio, West Virginia, Kentucky, Michigan.	Indiana, Pennsylvania, New York, Virginia.
702d Air Force Band, Offutt AFB, Nebr.	Nebraska, South Dakota, North Dakota, Wyoming, Iowa, Kansas, Minnesota.	Montana, Missouri, Wisconsin.
724th Air Force Band, McChord AFB, Wash.	Washington, Oregon, Idaho, Montana.	California.
745th Air Force Band, Barksdale AFB, La.	Louisiana, Arkansas	Texas, Oklahoma, Mississippi.
761st Air Force Band, Sheppard AFB, Tex.	Texas, Oklahoma	New Mexico, Colorado, Kansas, Missouri, Arkansas.
501st Air Force Band, Hickam AFB, Hawaii.	Hawaii	
752d Air Force Band, Elmendorf AFB, Alaska.	Alaska	
USAF Academy Band, USAF Academy, Colo.	Colorado	

Subpart D—Cost of Participation and Funding

§ 820.49 Funding policy.

The basic Air Force policy for funding public events is to keep costs of Government participation to the minimum consistent with Defense and Air Force Recruiting and Community Relations objectives. This can best be done by utilizing the geographic area concept of operations. In determining payment for costs of participation, there are two categories of events; those of primary interest to the Department of Defense or the Air Force, with all costs borne by the Air Force, and those of mutual interest to the Air Force and the sponsor, with costs shared. The following guidelines apply:

(a) Events of primary interest for which a Commander is authorized to bear all costs of participation are:

(1) DOD, HQ USAF, or civic-sponsored public observances of United States or host-country national holidays. (See AFR 190–5)

(2) Official civic ceremonies and functions. (See AFR 190–5)

(3) Support of Air Force ROTC or Air Force Junior ROTC ceremonies or military balls.

(b) Events of primary interest for which a Commander may bear all costs of participation after obtaining SAF/OI approval are:

(1) Tours by Air Force bands when appropriated funds are specifically provided for such participation.

(2) Events considered to be in the national interest because of some unique or unusual benefit to the United States.

(c) Events of mutual interest are those for which the sponsor pays all expenses except those continuing type costs which would exist if the Air Force did not participate. These continuing costs include regular pay and allowances of the personnel, small incidental base expenses such as local transportation and telephone calls, and other minor expenses as may be determined by the Air Force Commander responsible for participating in the event. The use of opportune airlift or routine training flights of military aircraft for the transportation of military personnel is authorized. Normally, sponsors must pay the standard per diem rate as prescribed in the Joint Travel Regulations (JTR) for each Air Force participant rather than provide meals and quarters. Major commands may waive this requirement for cash payment and accept sponsor-furnished meals and quarters only when the quality is consistent with Air Force messing and billeting standards. This waiver authority will not be delegated. When meals and quarters are accepted, the sponsor's cash payment is reduced in accordance with JTR.

(d) The participating band is responsible for Air Force costs of participation unless advised otherwise by higher authority. Bands budget for these costs in their Operations Operating Budget.

§ 820.51 Cost of participation in open messes.

The Judge Advocate General, USAF, on 15 June 1951, ruled that to require a band to perform in Open Messes as part of assigned military duties is subsidizing nonappropriated funds. (Open Messes referred to are those with a restricted membership supported by dues charged the individual members.) Therefore, band members furnishing music or other entertainment for Open Mess social events, other than those events specifically authorized in para 21, receive additional remuneration in accordance with AFR 34–3.

Subpart E—Volunteer Drum and Bugle Corps

§ 820.53 How Corps are organized, staffed, and maintained.

(a) Organization. The commander of a group, base, or similar unit may form a volunteer drum and bugle corps to provide music for military formations and ceremonies.

(b) Personnel. All military personnel connected with, or playing in, such units do so voluntarily in addition to, and without interference with, their normal assigned military duties.

(c) Equipment and Maintenance. § 820.17 applies to volunteer drum and bugle corps.

§ 820.55 Use of volunteer units.

Subpart C applies to volunteer units formed under this section.

Subpart F—Monthly Reporting Requirement

§ 820.57 Band personnel and performance report.

(AF Form 1036) RCS:SAF-OIC(M) 7103. To assist HQ USAF and the major commander in evaluating the status of manning and the use of Air Force bands:

(a) Each band commander submits a report on AF Form 1036, Band Personnel and Performance Report, as of the end of the month and forwards it in duplicate to the Command Band Staff Officer.

(b) The Command Band Staff Officer forwards one signed copy of AF Form 1036, to arrive no later than the 15th of each month, to the Secretary of the Air Force, (SAF/OICE), Washington D.C. 20330.

§ 820.59 Supply of forms.

Forms prescribed in this part (§ 820.13) with the exception of AF Form 3030, will initially be issued to the users by SAF/OICE for local reproduction.

By order of the Secretary of the Air Force.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.76-944 Filed 1-12-76;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans' Administration is amending §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38, Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 9 to 8¾ percent. Section 36.4212(a) (2) and (3), Title 38, Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to reduce the maximum interest rate from 9 to 8¾ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions during that time.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to January 5, 1976.

* * * * *

(2) 8¾ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8¾ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necesary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exced $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8¾ per centum per annum, effective January 5, 1976, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8¾ per centum per annum on the unpaid principal balance.

* * * * *

In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8¾ percent per annum.

* * * * *

These VA Regulations are effective January 5, 1976.

Approved: December 31, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-976 Filed 1-12-76;8:45 am]

Title 40—Protection of Environment

[FRL 478-2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Subpart C—Air Programs

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Disapproval of Legal Authority; Correction

In FR Doc. 75-15276, appearing at page 25011 of the issue of Thursday, June 12, 1975, the disapproval action set forth at 40 CFR 52.2224(c) (1) is incorrect in its reference to the Tennessee Code Annotated; the mention "section 52-3409(f)" should be corrected to read "section 53-3409(f)".

Dated: January 6, 1975.

JOHN A. LITTLE,
Acting Regional Administrator,
Region IV.

[FR Doc.76-1029 Filed 1-12-76;8:45 am]

[FRL 477-7]

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to the State of Michigan

Pursuant to the delegation of authority to implement and enforce the standards of performance for new stationary sources (NSPS) to the State of Michigan on November 5, 1975, EPA is today amending 40 CFR 60.4 *Address,* to reflect this delegation.[1] The amended § 60.4, which adds the address of the Air Pollution Control Division, Michigan Department of Natural Resources to that list of addresses to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be sent, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 5, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

[1] A Notice announcing this delegation is published in the Notices section of this issue.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c–6.

Dated: December 31, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulation is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising paragraph (b) X, to read as follows:

60.4 Address.

* * * * *

[FRL 447–8]

(b) * * *

(A)–(W) * * *

(X)—State of Michigan, Air Pollution Control Division, Michigan Department of Natural Resources, Stevens T. Mason Building, 8th Floor, Lansing, Michigan 48926

* * * * *

[FR Doc.76–847 Filed 1–12–76;8:45 am]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the State of Michigan

Pursuant to the delegation of authority for national emission standards for hazardous air pollutant (NESHAPS) to the State of Michigan on November 5, 1975, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation.[1] The amended Section 61.04, which adds the address of the Air Pollution Control Division, Michigan Department of Natural Resources to that list of addresses to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be sent, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 5, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authortiy of section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c–7.

Dated: December 31, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b) is amended by revising subparagraph X, to read as follows:

[1] A Notice announcing this delegation is published in the Notices section of this issue.

61.04 Address.

* * * * *

(b) * * *

(A)–(W) * * *

(X) State of Michigan, Air Pollution Control Division, Michigan Department of Natural Resources, Stevens T. Mason Building, 8th Floor, Lansing, Michigan 48926.

* * * * *

[FR Doc.76–848 Filed 1–12–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 76–2]

PART 7–7—CONTRACT CLAUSES

PART 7–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Overseas Recruitment Incentive

This Notice clarifies that contractor employees serving overseas may receive either an overseas recruitment incentive or an overseas income exemption in accordance with Section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911), but not both.

Subpart 7–7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

1. § 7–7.5502–4 is amended by revising the subhead and paragraph (a) as follows:

§ 7–7.5502–4 Personnel compensation.

PERSONNEL COMPENSATION (JANUARY 1976)

(a) Overseas recruitment incentive.

(1) Contractor employees serving overseas under this contract who do not qualify, request, and receive an exemption for overseas income provided under Section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911) are eligible to receive an overseas recruitment incentive, provided that the average incentive for all such employees does not exceed 10 percent of the initial base annual salary of all employees eligible for the incentive under this contract.

(2) The overseas recruitment incentive is payable under one of the following alternative methods:

(i) As a lump-sum amount after the eligible employee has completed his tour of duty in the Cooperating Country under this contract, and has furnished to the Contractor a Certification that he does not qualify, and will not apply for an exemption from overseas income as provided by 26 U.S.C. 911 (Contractor shall retain such Certifications for post-audit); or

(ii) At the option of the Contractor, the overseas recruitment incentive may be paid in increments during an employee's tour of duty; provided however, that payments made by the Contractor to employees who become eligible for an exemption from overseas income as provided by 26 U.S.C. 911, which payments were reimbursed by AID under this contract, shall be refunded to AID; and provided further, that neither the Contractor's (nor the Subcontractor's) inability to collect refunds from ineligible employees shall be used as a basis to excuse subsequent refunds by the Contractor to AID.

(3) If the overseas recruitment incentive causes the employee's salary to exceed the FSR–1 level, Contracting Officer approval must be obtained.

Subpart 7–15.2—Contracts With Commercial Organizations

2. § 7–15.205–6(a)(3) is amended to read as follows:

§ 7–15.205–6 Compensation for personal services.

(a) * * *

(3) Overseas recruitment incentive.

(i) Contract employees serving overseas under a contract who do not qualify, request, and receive an exemption for overseas income provided under section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911) are eligible to receive an overseas recruitment incentive, provided that the average incentive for all such employees does not exceed 10 percent of the initial base annual salary of all employees eligible for the incentive under the contract.

(ii) The overseas recruitment incentive is payable under one of the following alternative methods:

(A) As a lump-sum amount after the eligible employee has completed his tour of duty in the Cooperating Country under a contract, and has furnished to the contractor a Certification that he does not qualify, and will not apply for an exemption from overseas income as provided by 26 U.S.C. 911 (the contractor shall retain such Certifications for post-audit); or

(B) At the option of the contractor, the overseas recruitment incentive may be paid in increments during an employee's tour of duty; provided however, that payments made by the contractor to employees who become eligible for an exemption from overseas income as provided by 26 U.S.C. 911, which payments were reimbursed by AID under the contract, shall be refunded to AID; and provided further, that neither the contractor's (nor the subcontractor's) inability to collect refunds from ineligible employees shall be used as a basis to excuse subsequent refunds by the contractor to AID.

(iii) If the overseas recruitment incentive causes the employee's salary to exceed the FSR–1 level, contracting officer approval must be obtained.

This AIDPR Notice 76–2 is issued pursuant to AIDPR 7–1.104–4.

Effective Date. This AIDPR Notice 76–2 is effective on the date of signature.

Dated: December 18, 1975.

JOHN F. OWENS,
Deputy Assistant Administrator for Program and Management Services.

[FR Doc.76–991 Filed 1–12–76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CERTAIN RETROACTIVE AMENDMENTS OF EMPLOYEE PLANS

REGULATIONS RELATING TO MINIMUM PARTICIPATION STANDARDS

QUALIFIED JOINT AND SURVIVOR ANNUITIES

REQUIREMENT THAT BENEFITS UNDER A QUALIFIED PLAN ARE NOT DECREASED ON ACCOUNT OF CERTAIN SOCIAL SECURITY INCREASES

COMMENCEMENT OF BENEFITS UNDER QUALIFIED TRUSTS

Notice of Hearings on Proposed Regulations

This notice is to supplement the notice of hearing published in the Federal Register for January 7, 1976, (4 FR 1289), concerning public hearings to be held on February 26 and if necessary, February 27, 1976, regarding certain proposed regulations.

Internal Revenue Code sections 401 (a) (11), (14), and (15) and section 410 under which 4 of the above 5 regulations were proposed, were enacted by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). Title 1 of that Act also enacted into law substantially identical provisions to be administrated by the Department of Labor. For this reason, the Internal Revenue Service has invited representatives of the Department of Labor to be present at the scheduled hearings, and these representatives may address questions to persons making oral presentations at the hearing.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76-1026 Filed 1-8-76;4:30 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Leasing of Lands of the Agua Caliente (Palm Springs) Indian Reservation

DECEMBER 24, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add § 131.21 to Part 131, Subchapter L, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in Section 1 of the Act of August 9, 1955 (69 Stat. 539-540, 25 U.S.C. 415), as amended by the Act of June 2, 1970 (84 Stat. 303).

Pursuant to 25 CFR 1.4, on page 8172 of the June 25, 1965, FEDERAL REGISTER (30 FR 8172) the Secretary of the Interior did adopt, with seven exceptions, all the laws, ordinances, codes, resolutions, rules, or other regulations of the State of California and the city of Palm Springs, California, now existing or as they may be amended or enacted in the future, limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States and located on those portions of the Agua Caliente Indian Reservation situated within the exterior boundaries of the city of Palm Springs, California.

The purpose of this addition is to provide authority for the approval of lease contracts between owners of trust lands and lessees for the purpose of developing lands of the Agua Caliente (Palm Springs) Reservation to their highest and best use and, by such approval, to except the affected lands from application of the laws, ordinances, codes, resolutions, rules, or regulations of the city of Palm Springs regulating or controlling the use or development of the lands as heretofore adopted pursuant to 25 CFR 1.4, when in the opinion of the approving official, the best interests of the Indians will be served.

It is the policy of the Department of the Interior, whenever practicable, 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 addition to the Area Director, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

It is proposed to add § 131.21 to Part 131, Subchapter L, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

§ 131.21 Agua Caliente (Palm Springs) Reservation.

(a) Notwithstanding the regulations in other sections of this Part, the Commissioner may approve leases of individually and tribally owned lands of the Agua Caliente Band of Mission Indians for development to the highest and best use of their lands. When, in the Commissioner's opinion, the best interests of the Indians will be served, he may, by such approval, exclude the affected Indian lands from the application of zoning laws and other regulations of the city of Palm Springs, California, which otherwise might have prevented use of the lands for the purposes specified in the lease.

(b) Prior to approval of any lease pursuant to paragraph (a) of this section, the Commissioner shall first satisfy himself that adequate consideration has been given to the relationhip between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; and the effect on the environment of the uses to which the leased lands will be subject and such other factors as he shall deem appropriate.

JOSE A. ZUNI,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.76-947 Filed 1-12-76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS; RED HILLS SALAMANDER

Determination of Endangered; Extension of Comment Period

This notice extends the period for comments to the proposal, published October 1, 1975 (40 FR 45175), determining the Red Hills salamader to be an endangered species.

The Fish and Wildlife Service has decided that this extension will allow persons affected by the proposed regulations additional comment time, as requested, and enable the Service to receive as broad a range of responses as possible. The comment period is hereby extended to February 1, 1976.

Dated: January 6, 1976.

GEORGE W. MILIAS,
Acting Director, Fish and Wildlife Service.

[FR Doc.76-953 Filed 1-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO-192-A6]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Hearing on Proposed Amendment of the Marketing Agreement and Order

Notice is hereby given of a public hearing to be held January 27, 1976, in Room 503, 555 Battery Street, San Francisco, California beginning at 9:30 a.m., local time, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 984, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement and the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Walnut Marketing Board.

1. Revise § 984.13 to read as follows:

§ 984.13 To handle.

"To handle" means to sell, consign, transport, or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers.

2. Revise § 984.26 to read as follows:

§ 984.26 Reserve walnuts.

"Reserve walnuts" means those walnuts which are held to meet a reserve obligation.

§ 984.32 [Deleted]

3. Delete § 984.32.

4. Add new section 984.32 to read:

§ 984.32 Certified.

"Certified" means the issuance of a certification of inspection of walnuts by the inspection service.

5. Revise § 984.33 to read as follows:

§ 984.33 Hold.

"Hold" means to maintain possession or keep control of, in proper storage, at all times, the quantity of walnuts necessary to meet a reserve obligation.

6. Revise § 984.35(a)(4) to read as follows:

§ 984.35 Walnut Marketing Board.

(a) * * *

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers in California, whichever category of such handlers had certified as merchantable more than 50 percent of the kernelweight of the walnuts certified as merchantable by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California.

7. Revise § 984.37(a) and (c) to read as follows:

§ 984.37 Nominations.

(a) Nominations on behalf of growers who market their walnuts through cooperative handlers in California shall be submitted on a ballot cast by each such handler for its growers. The vote of each such cooperative handler shall be weighted by the kernelweight of the walnuts certified as merchantable during the preceding marketing year by each such handler. The person receiving the highest number of votes for the cooperative grower position shall be the nominee.

* * * * *

(c) Nominations for all handler members and the non-voting delegate shall be submitted on ballots mailed by the Board to all handlers in their respective groups. All handlers' votes shall be weighted by the kernelweight of the walnuts certified as merchantable for each handler during the preceding marketing year. Each independent handler in California may vote for the independent handler member nominees and their alternates. However, no independent handler shall have more than one person on the Board either as member or alternate member. The person receiving the highest number of votes for an independent and cooperative handler member position shall be the nominee for that position.

§ 984.37 [Amended]

8. Delete § 984.37(g).

9. Revise § 984.48(a)(6) to read as follows:

§ 984.48 Marketing estimates and recommendations.

(a) * * *

(6) Its recommendations as to the free and reserve percentages to be fixed for walnuts produced in California and Oregon and Washington, but the reserve percentage recommended for walnuts produced in Oregon and Washington shall be one-half of the reserve percentage in California.

10. Redesignate § 984.48(a) (7) and (8) as § 984.48(a) (8) and (9) respectively and add new paragraph (a)(7) to read as follows:

(a)(7) If the Board determines that the quantity of reserve walnuts that may be exported should be limited, its recommendation of the percentage of reserve walnuts that may be exported pursuant to § 984.56.

11. Revise § 984.49(a) to read as follows:

§ 984.49 Volume regulation.

(a) *Free, reserve, and export percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for California a free percentage to prescribe the portion of such walnuts which may be handled in normal markets and a reserve percentage to prescribe the portion that must be withheld from such handling, and similarly for Oregon and Washington except that the reserve percentage shall be one-half that of California. Whenever the Board recommends an export percentage pursuant to § 984.48(a)(7) the Secretary shall establish this percentage if he finds it would tend to effectuate the declared policy of the Act.

* * * * *

§ 984.49 [Deleted]

12. Delete § 984.49(b).

13. Redesignate § 984.49(c) as (b) and revise to read as follows:

(b) *Revision of percentages.* (1) On or before February 15 of the marketing year the Board may recommend that the free percentages be increased and the reserve percentages decreased. On the basis of the Board's recommendation or other information the Secretary may establish such revisions. Upon revision, all reserve obligations theretofore accrued on merchantable walnuts certified during such year on the basis of previously effective percentages shall be adjusted accordingly. (2) At any time during the marketing year, the Board may recommend an increase in the export percentage, if it finds that the volume of reserve walnuts released for export has been sold or committed for sale, to such an extent that additional walnuts could be disposed of in export, without adversely affecting the disposition of the oncoming crop.

14. Revise § 984.50(e) to read as follows:

§ 984.50 Grade and size regulations.

* * * * *

(e) The Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable in satisfaction of a reserve obligation. *Provided,* That reserve walnuts exported must meet the requirements of paragraph (a) of this section if inshell, or paragraph (b) of this section if shelled.

15. Revise § 984.51 (a), (b), and (c) to read as follows:

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling any walnuts or disposing of any reserve walnuts each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations. Such inspection shall be performed by the inspection service designated by the Board with the approval of the Secretary. Handlers shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grade and size of such walnuts as set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. Certificates covering reserve shelled walnuts for export shall also show the grade, size and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans regia). The Board may prescribe such additional information to be shown on the inspection certificates as it deems necesary for the proper administration of this part.

(b) Inshell merchantable walnuts certified shall be converted to the kernelweight equivalent at 45 percent of their inshell weight. This conversion percentage may be changed by the Board with the approval of the Secretary.

(c) Upon inspection, all walnuts shall be identified by tags, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector and such identification shall not be altered or removed except as directed by the Board.

16. Change the center heading preceding § 984.54 to read "Reserve Walnuts" and revise § 984.54 to read as follows:

§ 984.54 Establishment of obligation.

(a) *Reserve obligation.* Whenever free and reserve percentages are in effect for a marketing year, each handler shall withhold from handling a kernelweight of walnuts equal to the application of the reserve percentage to the kernelweight of merchantable walnuts certified. The kernelweight of walnuts handlers are required to withhold from handling shall be the "reserve obligation." The walnuts handled as free walnuts by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of § 8(a)(5) of the Act.

(b) *Holding requirements.* Each handler shall at all times hold in his possession or under his control in proper storage the kernelweight of walnuts necessary to meet his reserve obligation less: (1) any quantity which was disposed of by him pursuant to § 984.56; and (2) any quantity for which he is otherwise relieved by the Board of responsibility to so hold walnuts.

17. Revise § 984.56 to read as follows:

§ 984.56 Disposition of reserve walnuts.

(a) *General.* The Board shall have power and authority to sell or dispose of any and all reserve walnuts withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of reserve, subject to all conditions of this section.

(b) *Export.* The Board may export or authorize the disposition in export to destinations outside the United States, Puerto Rico, and the Canal Zone, of the quantity of reserve walnuts permitted to be exported by the export percentage. Reserve walnuts may be exported by any handler as an agent of the Board under the terms and conditions specified by the Board.

(c) *Pooling.* At any time during the marketing year a handler may deliver reserve walnuts to the Board for pooling. Any reserve walnuts that the handler has not disposed of during the marketing year shall be delivered to the Board for pooling on demand. The Board shall dispose of these walnuts in the following outlets: Government agencies, charitable institutions, poultry or animal feed, walnut oil or such other outlets as it finds to be noncompetitive with normal markets.

(d) *Crediting.* The kernelweight of any walnuts disposed of in accordance with this section shall be credited to the handler's reserve obligation. At any time up to September 15 of the following marketing year, upon a handler's written request, the Board shall transfer part or all of the handler's credit in excess of his reserve obligation to any handler he designates.

(e) *Pool proceeds.* The proceeds remaining after the payment of all expenses incurred by the Board in receiving, holding and disposing of pooled walnuts shall be distributed pro rata by the Board to each handler in proportion to his contribution thereto, measured in kernelweight or such other basis as the Board may adopt with the approval of the Secretary.

(f) *Rules and regulations.* The Board, with the approval of the Secretary, may prescribe such rules and regulations as are necessary to carry out the provisions of this section.

§ 984.57 [Deleted]

18. Delete § 984.57.

19. Revise § 984.59(b) to read as follows:

§ 984.59 Interhandler transfers.

* * * * *

(b) A handler may, for the purpose of meeting his reserve obligation, acquire walnuts from another handler, and any assessments, reserve obligation, and inspection requirements with respect to walnuts so transferred, shall be waived insofar as the seller is concerned.

* * * * *

20. Revise § 984.64 to read as follows:

§ 984.64 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets. Whenever free and reserve percentages are in effect, the kernelweight of any walnuts disposed of pursuant to this section shall be pooled and pursuant to § 984.56 be credited to the handler's reserve obligation.

21. Revise § 984.66 to read as follows:

§ 984.66 Assistance of Board in meeting reserve obligation.

The Board may assist any handler in accounting for his reserve obligation and may aid any handler in acquiring walnuts to meet any deficiency in a handler's reserve obligation, or in accounting for and disposing of reserve walnuts.

22. Revise § 984.67(a) to read as follows:

§ 984.67 Exemptions.

(a) *Exemption from volume regulation.* Reserve percentages shall not apply to lots of merchantable inshell walnuts which are of Mammoth size or larger as defined in the then effective United States Standards for Walnuts in the Shell, or to such quantities as the Board may, with the approval of the Secretary, prescribe.

* * * * *

23. Revise § 984.68 to read as follows:

§ 984.68 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. The Board shall file a proposed budget of expenses and a rate of assessment with the Secretary as soon as practicable after the beginning of each marketing year.

24. Revise § 984.69 (a) and (b) to read as follows:

§ 984.69 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per kernelweight pound of walnuts fixed by the Secretary times the kernelweight of merchantable walnuts he has certified. At any time during or after the marketing year the Secretary may increase the assessment rate as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Reserve walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected

pursuant to paragraph (a) of this section to defray expenses incurred in disposing of reserve walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled reserve walnuts.

§ 984.75 [Deleted]

25. Delete § 984.75.

26. Revise § 984.77 to read as follows:

§ 984.77 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both inshell and shelled walnuts, as applicable.

Proposed by Mr. Milburn Ziegler for walnut growers and handlers in the States of Oregon and Washington.

27. Revise § 984.4 to read:

§ 984.4 Area of production.

"Area of production" means the State of California. (In connection with the proposed revision of § 984.4 evidence will be received relative to changes needed in § 984.4 defining the term "walnuts"; § 984.31 defining the terms "part" and "sub part"; §§ 984.35, 984.37 and 984.39 regarding the division of the States of California, Oregon, and Washington into two grower districts for representation on the Walnut Marketing Board, and representation on the Board of handlers in the States of Oregon and Washington by a nonvoting delegate; §§ 984.48 and 984.49 regarding surplus percentages for the States of Oregon and Washington; § 984.74 regarding reports of shipments between the States of California, Oregon, and Washington; and § 984.89(b)(3) regarding termination of the marketing agreement and order program by growers in the State of Oregon and Washington.

Proposed by Valley Walnut Growers Cooperative.

28. Revise § 984.37(c) to read:

§ 984.37 Nominations.

* * * * *

(c) Nominations for all handler members and the nonvoting delegate shall be submitted on ballots mailed by the Board to all handlers in their respective groups. All handlers' votes shall be weighted by the quantity of the kernelweight of merchantable walnuts handled by each handler during the preceding marketing year. Each independent handler in California may vote for the independent handler member nominees and their alternates. However, no independent handler shall have more than one person on the Board either as member or alternate member. When there are two or more cooperatives (each of which handled at least 5 percent of the preceding year's crop), at least one of the Board cooperative handler members shall be associated with the second largest cooperative. The person receiving the highest number of votes for an independent and cooperative handler member position shall be the nominee for that position.

* * * * *

Proposed by Fruit and Vegetable Division, Agricultural Marketing Service.

29. Make such changes as may be necessary as to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 837, San Francisco, California 94111, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on January 8, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–1016 Filed 1–12–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

TENNESSEE

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On July 5, 1973, a notice was published in the Federal Register of the approval of the Tennessee plan and the adoption of Subpart P of Part 1952 containing the decision and describing the plan (38 FR 17838).

On April 15, May 19, July 15, and September 10, 1975, the State of Tennessee submitted supplements to its plan involving developmental and State-initiated changes (see Subparts B and E of 29 CFR Part 1953). These supplements are described below.

2. *Description of the Supplements.* (a) *Regulations.* (1) Tennessee regulations on "inspections, citations and proposed penalties" which were approved on August 15, 1975 (40 FR 36566) have been recodified as Tennessee Department of Labor Chapter 0800–1–4 and Tennessee Department of Public Health Part I, Regulations 1 through 20.

(2) Tennessee regulations on variances have been revised and recodified as Tennessee Department of Labor Chapter 0800–1–2 and Tennessee Department of Public Health, Part II, Regulations 21 through 38. The regulations contain procedures for the granting of temporary variances (previously approved on August 15, 1975, 40 FR 36566) and have added procedures for permanent variances.

(b) *Staffing.* The State has amended its plan to show up-to-date organization charts, staffing patterns and budget statements for both designated agencies (Tennessee Department of Labor and Tennessee Department of Public Health). Further, job specifications for occupational health specialist and air pollution specialist have been added.

(c) *Compliance Manual.* A completely revised Compliance Manual to replace the one contained in the approved State Plan has been submitted.

(d) *Public Employee Program.* The Tennessee public employee program description which was published for public comment on September 5, 1975 (40 FR 41148) has been further revised to include the participation of State Development Districts. Three districts (Upper Coumberland, South Central, and Southwest) will provide staff assistance to the political subdivisions within the district in the development and implementation of self-compliance programs for the protection of local government employees.

(e) *Narrative.* Several sections of the plan narrative have been amended to reflect the current status of plan operation: standards promulgation dates, July, 1974 deadline for local government election of self-compliance program, staff training actions, change in publication title, table of contents.

3. *Location of the supplement for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N–3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E., Suite 537, Atlanta, Georgia 30309; and the Office of the Tennessee Commissioner of Labor, Room C–1–100, Cordell Hull Building, 5th Avenue North, Nashville, Tennessee 37219; Office of the Commissioner of Public Health, Cordell Hull Building, 5th Avenue North, Nashville, Tennessee 37219.

4. *Public participation.* Interested persons are hereby given until February 12, 1976 in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary for Occupational Safety and Health, substantial objections are filed which warrant further public discussions a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart P of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 6th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-994 Filed 1-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

[49 CFR Parts 173, 178]

[Docket No. HM-74; Notice 76-1]

CYLINDERS MANUFACTURED OUTSIDE UNITED STATES

Revised Notice of Proposed Rulemaking

This docket was established in January 1971, when the Hazardous Materials Regulations Board published a notice of public hearing (36 FR 838) on the subject of DOT Specifications 3A, 3AA, and 39 cylinders manufactured outside the United States. The hearing convened on February 23, 1971, and because of the amount of public interest shown, a second session was scheduled and the public comment period was extended (36 FR 3836). On June 10, 1971, the Board proposed a series of amendments to authorize chemical analyses and tests for DOT specification compressed gas cylinders to be performed outside the United States under conditions to be approved on a case-by-case basis by the Department of Transportation, and to require Departmental approval of all disinterested inspectors of DOT specification cylinders, whether manufactured within or outside the United States (36 FR 11224). The close of the public comment period on that proposal, which was first set for September 14, 1971, was extended to November 1, 1971 (36 FR 13793). The Board later reopened the Docket for the purpose of receiving additional comments on possible changes to the existing cylinder specifications and recommendation as to the qualification standards for cylinder inspectors (37 FR 2588). In connection with seeking this additional information, the Board announced that it would continue its study and examination of the specifications and inspection requirements. The Docket subsequently received comments in response to that request, as well as supplemental staff materials bearing on the subject. At the time the Hazardous Materials Regulations Board was abolished on July 7, 1975, and authority to issue regulations transferred to the newly created Materials Transportation Bureau (40 FR 30821), the Board had not taken any further action on the proposal.

The Bureau believes to be sound the premises underlying the Board's proposal of June 10, 1971 (36 FR 3836), to make all "disinterested" (*i.e.*, independent) inspectors of cylinders directly subject to a DOT-administered approval system and to then recognize their performance of cylinder inspections and verifications as required by DOT regulations without regard to geographic limitations. However, as indicated by its February 1972, decision to continue its study of the matter, the Board was of the view that the specifics of its proposal could afford a degree of refinement. It was also conscious of questions raised during the course of the proceeding as to the quality of the existing domestic system of inspections, particularly with regard to so-called low pressure cylinders as carried out through "interested" inspectors.

As the Board's successor in this effort, the Bureau is now prepared to receive public comments on a modified version of a series of amendments which would implement the basic changes earlier proposed by the Board and provide for the independent inspection of low pressure cylinders. Specifically, the modified procedures provide for the following:

1. The term "independent inspection agency" is used to describe what is now covered by the term "competent and disinterested inspector". Except for persons currently holding Bureau of Explosives' approval as "competent and distinterested inspectors", applicants (foreign or domestic) would be evaluated and, if qualified, approved by DOT. Provision is made for converting Bureau of Explosives approved holders. (Proposed § 173.300a.)

2. Foreign cylinder manufacturers and U.S. manufacturers who may manufacture cylinders outside the United States could apply to DOT for authorization to have their cylinders inspected and tests verified outside the United States by an approved independent inspection agency. (Proposed § 173.300b.)

3. To ensure continuing DOT jurisdiction over approvals issued to non-U.S. domiciled inspection agencies and manufacturers, it would be necessary for them to establish a U.S. domiciled agent. (Proposed § 173.300c.)

4. Commencing on the effective date of the proposed amendments, cylinders manufactured, inspected and tested outside the United States by approved in all the appropriate requirements of the cylinder regulations (49 CFR, Part 178) would be acceptable for use in transportation within the United States. (Proposed § 173.301(i).) Foreign manufactured cylinders which do not meet all of the requirements would only be acceptable for export. (Proposed amendment to § 173.300(j).)

5. The inspection provisions of each DOT cylinder specification would be revised to reflect the change from "disinterested inspector" to "independent inspection agency" and to recognize the method whereby approval could be obtained for inspections to be performed and chemical analyses to be verified outside the United States by approved independent inspection agencies. In addition, those specifications which now authorize inspection by "interested" inspectors would be changed to require all inspection and test verifications (both within and outside the United States) to be performed by approved independent inspection agencies. (Proposed amendments to §§ 178.36-3(a) through 178.68-3(a).)

6. In the case of those cylinders domestically manufactured in accordance with DOT specifications in which authorization for interested inspectors is to be dropped, the manufacturers could continue to use interested inspectors until January 1, 1978.

7. The Bureau's out-of-pocket costs for any inspections or tests it must perform in approving an inspection or manufacturing facility located outside the United States would be borne by the applicant.

The proposed effective date is May 1, 1976.

Interested persons are invited to submit views and comments on this revised proposal. Comments should refer to the docket number and be submitted to: Docket Section, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on March 15, 1976, will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rulemaking.

In consideration of the foregoing, it is proposed to amend 49 CFR, Parts 173 and 178 as follows:

PART 173—SHIPPERS

1. Add new §§ 173.300a, 173.300b, and 173.300c to read as follows:

§ 173.300a Approval of independent inspection agency.

(a) Any person who does not manufacture cylinders for use in the transportation of hazardous materials may apply to the Department of Transportation for approval as an independent inspection agency for the purpose of performing cylinder inspections and verifications required by Part 178 of this subchapter.

(b) Each application filed under this section for approval as an independent inspection agency must:

(1) Be submitted in writing to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590;

(2) State the name, address and telephone number of the applicant and the name and address of each facility where tests and inspections are to be performed;

(3) If the applicant is not a permanent resident of the United States, include a designation of a permanent resident of the United States as his agent for service of process in accordance with § 173.300c;

(4) Set forth a detailed description of the applicant's inspection and testing facilities and capability to perform the inspections and verify the tests required by Part 178 of this subchapter;

(5) Identify by name each individual who the applicant proposes to employ as an inspector responsible for certifying test results and a statement of that person's qualifications; and

(6) Specify the identification or qualification number assigned to each individual inspector.

(c) Upon the request of the Director, OHMO, the applicant shall allow the Director to inspect the applicant's inspection and testing facilities. In the case of inspection and testing facilities located outside the United States, the applicant shall bear the cost of the inspection.

(d) The Director, OHMO, issues an approval if, on the basis of information submitted in the application and his own investigation, he finds that the applicant is qualified to perform the inspections and verifications required by Part 178 of this subchapter for cylinders to be used in the transportation of hazardous materials.

(e) The Director, OHMO, will issue an approval as an independent inspection agency for the purpose of performing inspections and vertifications for cylinders manufactured within the United States to any competent and disinterested inspector of cylinders so designated by the Bureau of Explosives before May 1, 1976, who submits a copy of that designation together with the name, the assigned identification or qualification number, and a statement of the qualifications of each person employed as an inspector under that designation to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590.

(f) An approval issued under this section is not transferable and is effective until surrendered or withdrawn or otherwise terminated by the Director, OHMO.

(g) The holder of an approval issued under this section shall notify the Director, OHMO, within 20 days after the date there is any change in the information submitted in the application for the approval.

§ 173.300b Approval of non-domestic chemical analyses and tests.

(a) Any person who manufactures cylinders outside the United States may apply to the Department for approval to have the chemical analyses and tests of those cylinders required by Part 178 performed outside the United States for the purpose of qualifying them for use in the transportation of hazardous materials to, from, or within the United States.

(b) Each application filed under this section for approval to perform chemical analyses and tests of cylinders outside the United States must:

(1) Be submitted in writing to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590;

(2) State the name, address and telephone number of the applicant and the name and address of each facility at which cylinders are to be manufactured and chemical analyses and tests are to be performed;

(3) If the applicant is not a resident of the United States, include a designation of a permanent resident of the United States as his agent for service of process in accordance with § 173.300c;

(4) Set forth complete details concerning the dimension, materials of construction, wall thickness, water capacity, shape, type of joints, location and size of openings and other pertinent physical characteristics of each specification cylinder for which approval is being requested, including calculations for cylinder wall stress and wall thickness which may be shown on a drawing or on separate sheets attached to a descriptive drawing. If units of weights and measures are expressed in the metric system they must also be stated in the English system equivalents; and

(5) Identify the independent inspection agency to be used.

(c) Upon the request of the Director, OHMO, the applicant shall allow the Director to inspect the applicant's cylinder manufacturing and testing facilities and shall provide such materials and cylinders for analyses and tests as the Director may specify. The applicant shall bear the cost of the inspection, analyses, and tests.

(d) The Director, OHMO, issues an approval if, on the basis of the information submitted in the application and his own investigation, he finds that the applicant has the proper equipment and facilities and is otherwise capable of performing the chemical analyses and tests required by Part 178 of this subchapter for cylinders to be used in the transportation of hazardous materials.

(e) An approval issued under this section is not transferable and is effective until surrendered or withdrawn or otherwise terminated by the Director, OHMO.

(f) The holder of an approval issued under this section shall notify the Director, OHMO, within 20 days after the date there is any change in the information submitted in the application for the approval.

§ 173.300c Service of process on foreign inspectors and manufacturers.

(a) *Designation of agents for service.* Each independent inspection agency or manufacturer of cylinders for use in the transportation of hazardous materials to, from, or within the United States who is not a resident of the United States shall designate a permanent resident of the United States as his agent upon whom service of process, notices, orders, decisions, and requirements may be made for him and on his behalf. The agent may be an individual, a firm, or a domestic corporation. Any number of inspection agencies and manufacturers may designate the same person as agent. A designation is binding on the inspection agency or manufacturer even if it is not in compliance with all the requirements of this section, until rejected by the Department. A designated agent may not assign performance of his functions under the designation to another person.

(b) *Form and contents of designation.* The designation shall—

(1) Be in writing and dated;

(2) Be made in the legal form required to make it valid and binding on the inspection agency or manufacturer under the laws, corporate by laws, or other requirements governing the making of the designation by the inspection agency or manufacturer at the place and time where it is made and the person or persons signing the designation shall certify that it is so made;

(3) State the full legal name, principal name of business and mailing address of the inspection agency or manufacturer;

(4) Provide that it remains in effect until withdrawn or replaced by the inspector or manufacturer;

(5) State the legal name and mailing address of the agent; and

(6) Bear a declaration of acceptance duly signed by the designated agent.

(c) *Method of service.* Service of any process, notice, order, decision, and requirement of the Department may be made by registered or certified mail addressed to the agent with return receipt requested or in any other manner authorized by law. If service cannot be effected because the agent has died (or, if a firm or a corporation ceases to exist) or moved, or otherwise does not receive correctly addressed mail, service may be made by publication in the FEDERAL REGISTER.

2. Revise § 173.301(h), (i), and the introductory text of (j) to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(h) *Domestic containers manufactured before 1978.* Notwithstanding any other requirement of this subchapter, in the case of any of the following specification cylinders manufactured within the United States before January 1, 1978, the inspections required by Part 178 of this subchapter may be performed by a competent interested inspector:

DOT 3B (§ 178.38)
DOT 3BN (§ 178.39)
DOT 3C (§ 178.40)
DOT 3E (§ 178.42)
DOT 4B (§ 178.50)
DOT 4BA (§ 178.51)
DOT 4C (§ 178.52)
DOT 4D (§ 178.53)
DOT 4B240ET (§ 178.55)
DOT 4AA480 (§ 178.56)
DOT 4L (§ 178.57)
DOT 8 (§ 178.59)
DOT 8AL (§ 178.60)
DOT 4BW (§ 178.61)
DOT 39 (§ 178.65)
(Service pressure 900 psig or lower)
DOT 4E (§ 178.68)

(i) *Foreign cylinders in domestic use.* A charged cylinder manufactured outside the United States may not be offered for transportation to, from, or within the United States unless it has been manufactured, inspected, and tested in accordance with the applicable DOT specification set forth in Part 178 of this subchapter.

(j) *Charging of foreign cylinders for export.* Unless it has been manufactured, inspected, and tested in accordance with the applicable DOT specification set forth in Part 178 of this subchapter, a cylinder manufactured outside the United States and received in the United States for charging with compressed gas may be charged and shipped for export only.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

3. Revise §§ 178.36–3(a), 178.37–3(a), 178.38–3(a), 178.39–3(a), 178.40–3(a), 178.41–3(a), 178.42–3(a), 178.43–3(a), 178.44–3(a), 178.45–3(a), 178.47–3(a), 178.48–3(a), 178.49–3(a), 178.50–3(a), 178.51–3(a), 178.52–3(a), 178.53–3(a), 178.54–3(a), 178.55–3(a), 178.56–3(a), 178.57–3(a), 178.58–3(a), 178.59–3(a), 178.60–3(a), 178.61–3(a), 178.65–3(a), and 178.68–3(a) to read as follows:

(a) Inspections and verifications must be performed by an independent inspection agency approved in writing by the Director, OHMO, in accordance with § 173.300a. Chemical analyses and tests as specified must be made within the United States unless otherwise approved in writing by the Director, OHMO, in accordance with § 173.300b.

These amendments are proposed under 18 U.S.C. 834, 46 U.S.C. 170(7), 49 U.S.C. 1472(h)(1), 49 CFR 1.53(f)–(h)

Issued in Washington, D.C., on January 8, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76–978 Filed 1–12–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 478–3]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: SO_2 Emissions From Fuel Combustion

On August 8, 1974 (39 FR 28528), the Administrator approved, with one exception, changes in the Alamaba plan's limitations on sulfur dioxide emissions from fuel burning sources. The plan's original limits of 1.2 and 1.5 pounds of SO_2 per million Btu of heat input, applicable in Class 1 and Class 2 Counties respectively, were relaxed to 1.8# SO_2/10^6 Btu for Jefferson County and Air Quality Control Regions classified Priority I for this pollutant, and 4# SO_2/10^6 Btu for all other Air Quality Control Regions in the State. The revised limit for the Tennessee Valley Authority's Widows Creek Steam Plant in Jackson County was specifically disapproved, leaving in force for this facility the plan's original limit of 1.2# SO_2/10^6 Btu. The State now proposes to revise its approved plan by changing the bases on which its SO_2 emission limits for fuel combustion sources are applied. The purpose of this notice is to describe these changes and to solicit public comment on them.

On March 25, 1975, following notice and public hearing, the Alabama Air Pollution Control Commission adopted changes in Part 5.1, Fuel Combustion, of its regulations. The language of Section 5.1.1 was changed to make the 1.8# SO_2/10^6 Btu limit apply to fuel combustion sources in Jefferson County or in a Category I County, and the 4# SO_2/10^6 Btu limit to sources in Category II Counties. A new Section 5.1.6 was added to provide for the classification of Counties into Category I or Category II; such classifications are to be adopted only after public hearing and are subject to annual review and subsequent change by the Commission. Also, a sentence was added to Section 5.1.3 to make it clear that units subject to Federal New Source Performance Standards shall be treated separately when calculating maximum allowable emissions. These changes were submitted to the Agency's Region IV office as a proposed plan revision on May 1, 1975. The Agency took no action on the proposed revision at that time, however, since an initial classification of the State's Counties into Category I or Category II had not yet been made.

This was done by a resolution of the Commission on September 30, 1975, following notice and public hearing. The classifications are set forth as Appendix B to the State's air pollution control regulations; Jackson, Jefferson, and Mobile Counties are placed in Category I, and all other Counties in the State in Category II. This action by the Commission was submitted to EPA on October 9, 1975, and was accompanied by supporting control strategy analysis intended to show that making fourteen Counties subject to the less stringent emission limit of 4# SO_2/10^6 Btu rather than the 1.8# limit would not interfere with the attainment and maintenance of the national ambient air quality standards. Ten of the Counties affected by the Commission's action—Baldwin, Cullman, DeKalb, Franklin, Lauderdale, Limestone, Madison, Marion, Marshall, and Winston—have no significant SO_2 sources. According to the information supplied by the State, dispersion modeling performed in connection with the present revision shows that Escambia, Lawrence, and Morgan Counties can go to the 4# SO_2/10^6 Btu limit without jeopardizing national ambient standards. Dispersion modeling conducted with regard to the earlier revision showed that a 4# SO_2/10^6 Btu limit was adequate, albeit barely, to assure the attainment and maintenance of national standards for sulfur dioxide in Colbert County, where the only significant source is a steam electric generating facility of the Tennessee Valley Authority. (The question of whether TVA as a Federal facility must comply with the provisions of the State implementation plans has been referred to the U.S. Supreme Court following conflicting judgments rendered by the Fifth and Sixth Circuit Courts of Appeals.)

Copies of the materials submitted by Alabama in support of the present plan revisions may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Ga. 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Ala. 36104.

Interested persons are encouraged to submit written comments on the Alabama plan revisions. To be considered, such comments must be received on or before [30 days from date of publication], and should be addressed to Walton W. Jones of the Agency's Region IV Air Programs Branch at the Atlanta address given above. After carefully weighing relevant comments received and all other information available to him, the Administrator will take approval/disapproval action on these changes in the Alabama plan.

(Section 110 of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: January 6, 1976.

JOHN A. LITTLE,
Acting Regional Administrator, Region IV.

[FR Doc.75–1030 Filed 1–12–76;8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 701]

PROTECTION OF PRIVACY

Proposed Rulemaking To Amend Previously Adopted Material

Notice is hereby given that the Water Resources Council is considering amending Subpart E of Part 701 of Chapter VI of Title 18 of the Code of Federal Regulations. The amendments to Subpart E, as set forth below, are occasioned by the comments and suggestions offered by the Presidential Ad Hoc Interagency Task Force on Privacy Act Implementation review of the Council rules (published as final notice of rulemaking at 40 FR 45675). These amendments are intended to further implement provisions of the Privacy Act of 1974 (Pub. L. 93–579; 89 Stat. 1896).

This proposed rulemaking is done by authority of section 402 of the Water Resources Planning Act of 1965 (Sec. 402, Pub. L. 89–80; 79 Stat. 254, as amended (42 U.S.C. 1962d–1)) and the Privacy

Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

An explanation of the proposed substantive amendments by section are:

(1) In § 701.302—more specific information regarding where and when notification of existence of records may be sought by individuals (§ 701.302(a)); specific provisions for Council response to and acknowledgment of a request for notification (§ 701.302(c)).

(2) In § 701.304—for purposes of easy reference, sets forth procedures for identification of individuals making requests in a separate section.

(3) In § 701.305—more specific information regarding guidance to an individual on what should be included in a request for access to or disclosure of a record (§ 701.305 (a) and (b)); specific provisions for Council response to and acknowledgment of a request for access to or disclosure of a record (§ 701.305 (c)).

(4) In § 701.308—a provision for assuring that when a requested correction or amendment to a record is agreed to by the Council a copy of the individual's record, as corrected, will be sent to all previous recipients of the record (including the individual) within 30 working days (§ 701.308(e)).

(5) In § 701.309—a provision requiring the Council (when an individual's appeal to a refusal to amend or correct a record has been denied by the Council) to inform the individual of the right to file a concise statement setting forth the individual's reasons for disagreement with the denial (§ 701.309(d)(3)).

(6) In § 701.311—Council requirements for accounting for disclosures, including: maintenance of an accounting (§ 701.311(a)); access to accountings (§ 701.311(b)); and notification of disclosure (§ 701.311(c)).

In addition, the table of sections for Subpart E—Protection of Privacy, is proposed to be amended (as set forth below) to reflect the changes occasioned by the proposed amendments.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037, on or before February 12, 1976.

In consideration of the foregoing it is proposed to amend Subpart E of Part 701 of chapter VI of Title 18 of the Code of Federal Regulations as follows:

1. By revising the table of sections for Subpart E to read as follows:

Subpart E—Protection of Privacy

Sec.
- 701.300 Purpose and scope.
- 701.301 Definitions.
- 701.302 Procedures for notification of existence of records pertaining to individuals.
- 701.303 Conditions of disclosure.
- 701.304 Procedures for identification of individuals making requests.
- 701.305 Procedures for requests for access to or disclosure of records pertaining to individuals.
- 701.306 Special procedure: Medical records.
- 701.307 Requests for correction or amendment to record.
- 701.308 Council review of request for correction or amendment of record.
- 701.309 Appeal of initial adverse determination.
- 701.310 Disclosure of record to person other than the individual to whom it pertains.
- 701.311 Accounting for disclosures.
- 701.312 Fees.
- 701.313 Penalties.
- 701.314 Exemptions.

2. By revising paragraph (a) of, and by adding a new paragraph (c) to, § 701.302 to read as follows:

§ 701.302 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the Council are listed annually in the FEDERAL REGISTER as required by that Act. Any individual may request the Council to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person during business hours or in writing at the location and to the person specified in the notice describing that record system.

* * * * *

(c) The Council will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or to inform the requestor of the need for additional time or additional information within 10 working days. If a request is complied with within 10 working days, no separate acknowledgment will be made.

3. By revising § 701.304 to read as follows:

§ 701.304 Procedures for identification of individuals making requests.

(a) Each individual requesting the disclosure of a record or copy of a record will furnish the following information with his or her request: (1) The name of the record system containing the record; (2) proof as described in paragraph (b) of this section that he or she is the individual to whom the requested record relates; and (3) any other information required by the notice describing the record system.

(b) Proof of identity as required by paragraph (a)(2) of this section will be provided as described in paragraph (b)(1) and (2) of this section. Requests made by an agent, parent, or guardian will include the authorization described in § 701.310 (a) and (b).

(1) Requests made in writing will include a statement, signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identification in the form of a drivers license, birth certificate, passport or other identification acceptable to the notary public. In any case in which, because of the extreme sensitivity of the record sought to be seen or copied, the agency determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requester will submit proof of identification similar to that described in paragraph (b)(1) of this section, acceptable to the Council.

4. By revising § 701.305 to read as follows:

§ 701.305 Procedures for requests for access to or disclosure of records pertaining to individuals.

(a) After being informed by the Council that a system of records contains a record pertaining to him or her, an individual may request the Council for access to or disclosure of that record to him or her in the manner described in this section. Each such request of a record or a copy of it will be made at the place specified in the notice describing that system of records, either in writing or in person. Requests may be made by agents, parents, or guardians of individuals as described in § 701.310 (a) and (b).

(b) The request for access to or disclosure of a record should specifically identify the systems of records involved.

(c) The Council will attempt to affirm or deny a request within 10 working days from the time it receives the request or to inform the requester of the need for additional time, additional information, identification, or the tendering of fees (as specified in § 701.311), within 10 working days; except that if the request for access was not preceded by a notification request as provided in § 701.302, then the 10-day period will not begin until after such time as it has been determined that the record exists. If a request is complied with within 10 working days, no separate acknowledgement will be made.

§ 701.306 [Amended]

5. By deleting in paragraph (a) of § 701.306 the figure "§ 701.309(a)" and inserting in lieu thereof the figure "§ 701.310(a)".

6. By deleting in paragraph (a) of § 701.308 the figure "§ 701.304" and inserting in lieu thereof the figure "§ 701.307"; and by adding a paragraph (e) to read as follows:

§ 701.308 Council review of request for correction or amendment of record.

* * * * *

(e) If the requested correction or amendment to a record is agreed to by the Council, the Council will, within 30 working days: (1) Advise the individual; (2) correct the record accordingly; and (3) where an accounting of disclosures had been made (as provided in § 701.311), advise all previous recipients (including the individual) of the record of the fact that that the correction was made and the substance of the correction.

7. By adding a new paragraph (3) to paragraph (d) of § 701.309 to read as follows:

§ 701.309 Appeal of initial adverse determination.

* * * * *

(d) * * *

(3) The right to file with the Council a concise statement setting forth the

requester's reasons for disagreement with the Council's refusal to correct or amend the record.

8. By redesignating §§ 701.311, 701.312, and 701.313 as §§ 701.312, 701.313, and 701.314 respectively and by adding a new § 701.311 as follows:

§ 701.311 Accounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the provisions of § 701.303 except §§ 701.303(c) (1) and (2), an accounting will be made. (2) The accounting will record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made. (3) Accountings prepared under this section will be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) *Access to accounting.* (1) Except for accountings of disclosures made under §§ 701.303(c) (1) and (2), accountings of all disclosures of a record will be made available to the individual to whom the record relates at his or her request. (2) An individual desiring access to accountings of disclosures of a record pertaining to him or her will submit his request by following the procedures of § 701.305.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 701.303 (c) (11) as the result of the order of a court of competent jurisdiction, reasonable efforts will be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

Dated: January 7, 1976.

WARREN D. FAIRCHILD,
Director,
Water Resources Council.

[FR Doc.76-1031 Filed 1-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1003, 1100]

[EX Parte No. 55 (Sub-No. 14)]

OPERATING AUTHORITY AND RULES OF PRACTICE

Extension of Period for Filing Written Expressions

In the matter of revision of application forms OP-OR-9, OP-OR-11, OP-WC-10, OP-WC-20, and OP-FF-10 for operating authority and amendments to rules 22, 49, 51, 57, 74, and 247 of the General Rules of Practice (see 40 FR 52058).

Upon consideration of the record in the above-entitled proceeding and of many requests for an extension of time for the filing of written expressions, and good cause appearing therefor:

It is ordered, That the time for the filing of written views, comments, suggestions and pertinent evidence be, and it is hereby, extended to February 20, 1976.

Dated at Washington, D.C., this 15th day of December, 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1022 Filed 1-12-76;8:45 am]

[49 CFR Part 1104]

[Ex Parte No. MC-98]

NEW PROCEDURES IN MOTOR CARRIER RESTRUCTURING PROCEEDINGS

Proposed Rulemaking

JANUARY 7, 1976.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of December, 1975.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding be, and it is hereby instituted pursuant to the authority vested in the Interstate Commerce Commission by 49 U.S.C. 316 and 5 U.S.C. 552, 553, and 559 for the purpose of amending 49 FR 1104.3 and for reviewing representations or suggested procedures to be followed by motor carriers filing tariffs incorporating restructuring proposals.

It is further ordered, That notice of the institution of this proceeding shall be given to the motor carrier members of the rate bureaus listed in 49 CFR 1104.1(b) by serving a copy of this order and attached notice on those rate bureaus[1]; by serving a copy on all other parties to Ex Parte No. MC-82; and notice 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

DECEMBER 30, 1975.

Introduction. The question of restructuring less-than-truckload (LTL) rates is one that is vital to the economic health of the regular route common carrier system. The present motor carrier LTL rate structure is essentially a copy of the classification-based system developed, and still used, by rail carriers. When regulation was expanded to include motor carriers, it became necessary for the motor carrier industry to publish a rate system of its own. That was done by adopting the rail classification and superimposing the principles underlying that system upon the motor carrier industry. The various individual rate bureaus developed a number of systems which for the most part bore a striking resemblance to each other, using the classification as the basis for differentiating between the relative transportability of different commodities.[2] At the time, this worked to the advantage of the motor carriers because value of service factors, inherently part of the classification of high value goods, allowed them to attract the most profitable portion of the LTL traffic from the rails by a skillful matching of rates and service.

At the present time, however, the common carrier trucking industry finds itself threatened with the same kind of competitive problems which had previously befallen the railroads in that competition from many sources has diverted much of the traffic which formerly subsidized the least desirable traffic. In the case of LTL service especially, there is a continuing need therefor at rates which will, on the one hand, enable shippers to continue to utilize existing service, and, on the other hand, insure that the trucking industry will be able to offer the service at a reasonable profit. It would appear that the trucking industry as a whole is as anxious to continue to provide LTL service as the public is to have it continued.

I. In this proceeding, as part of our continuing concern for strengthening the ability of motor common carriers to meet the needs of the public for LTL service, the Commission is seeking public comment and suggestions with respect to (1) the need for, or (2) the desirability of, or (3) ways and means of restructuring the less-than-truckload and small shipment rate structure presently applicable on traffic moving by motor carriers. Comments should not necessarily be confined to modifications of the present traditional rate structure. The underlying objective is to contemplate and/or develop a pricing structure which most effectively deals with present or prospective service needs of shippers and the capability of the carrier industry to furnish such service on a cost effective basis. Accordingly, it would be helpful to the Commission if shippers, motor common carriers, and other interested parties participating herein would comment on some, or all, of the general matters set forth below.

(1) What problems, if any, have you experienced in connection with LTL or small shipment traffic? If you have experienced any problems, e.g. in costs, service, handling, or other, would you please describe them in detail? Can, or should anything be done to change, improve, or replace the present LTL and small shipment rate structure?

[1] Central and Southern Motor Freight Tariff Association, Inc.; Central State Motor Freight Bureau, Inc.; The Eastern Central Motor Carriers Association, Inc.; Middle Atlantic Conference; Middlewest Motor Freight Bureau; Motor Carrier Traffic Association Inc.; the New England Motor Rate Bureau, Niagara Frontier Tariff Bureau, Inc.; Pacific Inland Tariff Bureau, Inc.; Rocky Mountain Motor Tariff Bureau, Inc.; Southern Motor Carriers Rate Conference.

[2] A notable exception is the volume-density related system developed by the New England area carriers, published as the Coordinated Classification.

(2) Can action be taken to increase the volume of small shipment traffic, other than subsidization by other traffic?

(3) Are there any alternatives to the present physical methods of handling LTL and small shipments by carriers which could, or should, replace current methods?

(4) In light of the criticism of shippers that motor common carriers do not provide adequate small shipment service, and the complaints of carriers that the existing rate structure does not compensate them adequately for the cost of handling small shipment traffic, what can be done to reconcile the need for an adequate rate structure for motor carriers and the need for LTL rates which shippers can afford to pay?

(5) Where certain shippers, industries, or localities have no alternative means of transportation and require LTL service, is there a point at which the carrier burden should be deemed to outweigh the need for the service?

(6) Could, or should, alternative rates based on differing service needs, e.g. expedited, standard, and standby, be offered for LTL service? How could, or should, such alternative rates be constructed?

(7) If you feel certain commodities or classes of traffic are unfairly priced under the existing rate structure, please give specific examples, and suggest how this unfairness can, or should, be eliminated.

Following analysis and evaluation of the comments elicited hereby, the Commission will be in a position to determine what further action is necessary.

II. Relevant to the question of restructuring the less-than-truckload and small shipment rate structure are the regulations that have been prescribed in Ex Parte No. MC–82, New Procedures in Motor Carrier Rev. Proc., 339 I.C.C. 324, 340 I.C.C. 1, and 351 I.C.C. 1, as codified in 49 CFR 1104.1 et seq. Those regulations, in addition to governing the submission of evidence in motor carrier general revenue proceedings proposed by designated rate bureaus on behalf of their motor common carrier members, also govern the submission of evidence in support of "a proposed general adjustment with the objective of restructuring the rates on a wide range of traffic involving both increases and reductions in rates and charges". Restructuring can take the form of a proposal to increase different weight categories of freight by various percentages or it can take the form of a proposal to reduce rates applicable on certain weight brackets while increasing rates on other weight brackets. In both instances, such proposals would result in restructuring the less-than-truckload and small shipments rate structure. However, at this time, the ability of the Commission and other interested parties to evaluate proposals which would cause rate restructuring is seriously hampered by the fact that under the MC–82 procedures there is no requirement for furnishing a breakdown of operating ratios applicable to all categories of traffic, including less-than-truckload, in a uniform manner. Accordingly, the Commission at this time proposes to adopt certain amendments to the regulations in Ex Parte No. MC–82, supra, that would, if adopted, provide the Commission with additional data showing the breakdown of operating ratios applicable to all categories of traffic including less-than-truckload traffic. Under the proposed amendments, the present procedures would be modified to require in all instances a showing of operating ratios for the following weight brackets.

1. Minimum charges—less-than-truckload (pounds).
2. 1 to 199 pounds.
3. 200 to 499 pounds.
4. 500 to 999 pounds.
5. 1,000 to 1,999 pounds.
6. 2,000 to 4,999 pounds.
7. 5,000 to 9,999 pounds.
8. 10,000 pounds and over.
9. Total LTL (lines 2 through 8).
10. Total minimum charges and LTL (lines 1 and 9).
11. Truckload.
12. Total all shipments (lines 10 and 11).

Separately appended hereto are the revisions proposed to be made in § 1104.3 Cost Study, paragraph (a) in the MC–82 procedures presently prescribed, including a new Appendix E to that section, describing the handling of situations where (1) different rate increases would occur on issue traffic within a standard weight bracket; (2) a rate increase would overlap two or more weight brackets; or (3) a rate increase would apply on only a portion of a standard weight bracket. The proposed revisions would provide the Commission and interested parties with information presently not available as to whether proposed general increase proposals are just and reasonable for particular weight brackets.

Public comment, suggestions, and other relevant representations with regard to the foregoing proposed amendments are invited and will be welcomed. Oral hearing does not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence 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 the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before February 10, 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 Washngton, D.C., this 30th day of December, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

It is proposed to revise § 1104.3 to read as follows:

§ 1104.3 Cost study.

(a) The respondents shall submit a cost study. Highway Form B may be used for this purpose. Service unit costs shall be developed for each individual study carrier, adjusted by size of shipment and length of haul, and shall be applied to respective individual carrier's traffic service units as developed from its traffic study. Operating ratios for both the issue and non-issue traffics, by standard weight brackets, on the "carried" traffic basis for the time periods specified shall be submitted as required in Appendix E, Part I. Expense and revenue data supporting these operating ratios shall be submitted as required in Appendix E, Part II. The time periods specified in Appendix E are: (1) the traffic study year, that is, the "base calendar year-actual", as hereinbefore defined; (2) a "present proforma year" based on present wage, price and productivity levels prevailing on a date no later than 45-days prior to the date of the tariff filing; and (3) a "restated proforma year" based on provable wage, price and productivity levels prevailing on the effective date of the proposed rates, with a separation indicating projected operating ratios on two bases, namely, "based on current revenues," and "based on proposed revenues." Respondent carriers are not precluded from submitting additional data on a "through" basis but they should be prepared to demonstrate that use of this basis does not result in a substantial sampling bias. If operating ratios on the "through" traffic basis are submitted in addition to those required for the "carried traffic" basis, either the weighted composite unit cost of the study carriers or the applicable regional average unit cost should be used for that portion of the interline movements handled by the non-study carriers.

APPENDIX E
Part I.- Operating Ratios By Standard Weight Brackets
on Issue and Non-Issue Traffics
(Carried Traffic Basis)

Line No.	Standard Weight Brackets 1/	Base Calendar Year - Actual			Present Proforma Year	Restated Proforma Year	
		Issue Traffic 2/	Non-Issue Traffic: Territorial Traffic Related to Issue Traffic But Not Affected by Rate Proposal 3/	Non-Issue Traffic: All Other Non-Issue Traffic 4/		Based on Current Revenues	Based on Proposed Revenues
					Issue Traffic Only 3/		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Minimum Charges ----------						
	Less Than Truckload (pounds)						
2	1-199 ----------						
3	200-499 ----------						
4	500-999 ----------						
5	1,000-1,999 ----------						
6	2,000-4,999 ----------						
7	5,000-9,999 ----------						
8	10,000 and over ----------						
9	Total LTL (Lines 2 thru 8) ----------						
10	Total Minimum Charges and LTL (Lines 1 and 9)						
11	Truckload ----------						
12	Total, All Shipments (Lines 10 and 11)						

1/ See "Explanatory" for all footnotes.

APPENDIX E
Part II.- Expenses and Revenues Supporting
Operating Ratios in Part I
(Dollars in Thousands)

Line No.	Standard Weight Brackets	Base Calendar Year - Actual						Present Proforma Year		Restated Proforma Year			
		Issue Traffic		Non-Issue Traffic: Territorial Traffic Related to Issue Traffic But Not Affected by Rate Proposal		Non-Issue Traffic: All Other Non-Issue Traffic				Based on Current Revenues		Based on Proposed Revenues	
								Issue Traffic Only					
		Expenses	Revenues	Expenses	Revenues	Expenses	Revenues	Expenses	Revenues	Expenses	Revenues	Expenses	Revenues
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1	Minimum Charges ----------												
	Less Than Truckload (pounds)												
2	1-199 ----------												
3	200-499 ----------												
4	500-999 ----------												
5	1,000-1,999 ----------												
6	2,000-4,999 ----------												
7	5,000-9,999 ----------												
8	10,000 and over ----------												
9	Total LTL (Lines 2 thru 8) ----------												
10	Total Minimum Charges and LTL (Lines 1 and 9)												
11	Truckload ----------												
12	Total, All Shipments (Lines 10 and 11) ----------												

EXPLANATORY, APPENDIX E

The purpose of Appendix E, Part I, is to obtain so-called "operating ratios" on the issue and non-issue traffics by standard weight brackets for the time periods specified. These ratios will (1) provide a data base for an evaluation of the profitable nature of the issue traffic, and (2) reveal the cost/revenue interrelationship among the standardized weight brackets for both the issue and non-issue traffics.

The time frames specified in Appendix E, namely, base calendar year-actual, present proforma year, and the restated proforma year based on current revenues and proposed revenues are those defined in § 1104.3 Cost study, paragraph (a).

"Operating ratios" for the purpose of this appendix means the percent that operating expenses, rents and taxes (other than Federal income taxes) is to the operating revenues associated with the issue and non-issue traffics. The expenses in the numerator—sometimes referred to as the "total operating expense level"—exclude any return on investment or cost of capital considerations. The operating ratio (percent to 1 decimal) is, of course, obtained through the cost and traffic studies required in the prescribed procedures.

Operating ratios are required on the "carried" traffic basis for both the issue and non-issue traffics, that is, the traffics handled solely by the study carriers, either single-line or interline. Respondent carriers, however, are not precluded from submitting operating ratios and supporting data on the "through" traffic basis (the expenses and revenues on the "carried" traffic basis plus the expenses and revenues applicable to the "non-study" carriers' portion of the sampled traffic) but they should be prepared to demonstrate that use of this basis does not result in substantial sampling basis.

[1] *Column (1).*—The standard weight brackets shown in column (1) represent the minimum weight groupings required. However, because the varying rate increases proposed on the "issue traffic" may not conveniently fall into each of the standard weight brackets, some amplification of the standard weight brackets may be required. Additionally, there may be a situation where the proposed general rate increases do not affect all of the standard weight brackets. Three situations are set forth and discussed below.

(1) *Different rate increases on issue traffic within a standard weight bracket.* Assume the proposed general rate increase reflects different rate increases on "issue traffic" shipments within the 5,000–9,999 pound standard weight bracket, line 7. For example, a 4% increase on LTL shipments weighing 5,000–7,999 pounds and a 2% increase on LTL shipments weighing 8,000–9,999 pounds. Line 7 would then be broken out and completed in the following manner:

Column numbers in app. E, pt. I

Line No.	Standard weight brackets (1)	(2)	(3)	(4)	(5)	(6)	(7)
7	5,000 to 9,999		XXX				
7a	5,000 to 7,999		XXX	XXX			
7b	8,000 to 9,999		XXX	XXX			

(2) *Rate increase in one standard weight bracket carries over to a portion of the next weight bracket.* Assume the following situation under a proposed general rate increase affecting, but not limited to, the standard weight brackets shown on lines 6 and 7.

Standard weight brackets (pounds)	Proposed rate increase (percent)
2,000 to 4,999 (line 6):	
2,000 to 3,999	5
4,000 to 4,999	4
5,000 to 9,999 (line 7):	
5,000 to 7,999	4
8,000 to 9,999	2

Lines 6 and 7 would then be broken out and completed in the following manner:

Column numbers in app. E, pt. I

Line No.	Standard weight brackets (1)	(2)	(3)	(4)	(5)	(6)	(7)
6	2,000 to 4,999		XXX				
6a	2,000 to 3,999		XXX	XXX			
6b	4,000 to 4,999		XXX	XXX			
7	5,000 to 9,999		XXX				
7a	5,000 to 7,999		XXX	XXX			
7b	8,000 to 9,999		XXX	XXX			

(3) *Rate increase applies only to a portion of a standard weight bracket.* Assume, under the proposed general rate increase, that only a portion of the standard weight bracket of 5,000–9,999 pounds (line 7) is affected, that is, the requested increase is 4% on "issue traffic" LTL shipments weighing 5,000–7,999 pounds and no increase is requested on LTL shipments weighing 8,000–9,000 pounds. Line 7 would then be broken out and completed in the following manner:

Column numbers in app. E, pt. I

Line No.	Standard weight brackets (1)	(2)	(3)	(4)	(5)	(6)	(7)
7	5,000 to 9,999	XXX	XXX		XXX	XXX	XXX
7a	5,000 to 7,999		XXX	XXX			
7b	8,000 to 9,999	XXX		XXX	XXX	XXX	XXX

NOTE.—The 3 situations cited in footnote 1 above make no distinction between class and commodity-rated traffics falling within the standard weight brackets. However, there may be a situation where a proposed general rate increase applies only on class rates; and, the commodity rates are not affected. In this case the class-rated traffic should, of course, be reported in column (2) as the "issue traffic," while the commodity-rated traffic (related to the issue traffic) should be appropriately reported in column (3). The weight brackets to be used for the operating ratios in column (3) should be the same as those used for the operating ratios in column (2). As a general rule, in considering the 3 situations cited or the class and commodity rate distinction indicated above, the operating ratios for column (4), "All Other Non-Issue Traffic," in Appendix E, Part I, need be provided only for the standard weight brackets required.

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[2] *Column (2).*—As defined in § 1104.2 Traffic Study, sub-paragraph (b)(1): "Issue traffic consists of those shipments on which the freight rates or charges would be affected by the rate proposal." This appendix maintains that definition and merely requires a breakdown of this issue traffic by standardized weight brackets.

[3] *Column (3).*—"Territorial traffic related to issue traffic but not affected by the rate proposal" means that traffic handled within the same territory, or between the same territories, as the issue traffic but, for whatever reason, is not subject to the proposed general rate increase. For example, if rate increases are proposed only on minimum charges and LTL shipments under 10,000 pounds in territory "X"—then the "territorial traffic related to the issue traffic . . ." involves LTL shipments of 10,000 pounds and over and TL shipments handled in territory "X".

[4] *Column (4).*—All other non-issue traffic means all traffic other than that in columns (2) and (3).

[5] *Columns (5), (6) and (7).*—The operating ratios in these columns shall be for those weight brackets the operating ratios for which are shown in column (2).

[FR Doc.76-836 Filed 1-12-76;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.

[CM-6/3]

DEPARTMENT OF STATE

Office of the Secretary

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, February 2, 1976, in Room 1529 of the United States Court House, 213 N. Spring Street, Los Angeles, California 90012. It is expected that the meeting will run from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m.

The principal item on the agenda will be a discussion among Commission members and invited representatives of the film, television and theatre industry on the ways in which the private sector can help to implement the provisions of the Final Act of the Conference on Security and Cooperation in Europe which relate to international educational and cultural exchange: i.e., the so-called "Basket III" recommendations.

The only other item on the agenda will be consideration of any old or new business which any member of the Commission wishes to bring up.

Members of the general public may attend and participate in the discussion subject to instructions of the Chairman, if they have advised the Staff Director by c.o.b. January 30, 1976 of their intention to attend. He may be reached by telephone on (202) 632-2764; by mail at CU/ACS, Room 420, SA-2, Department of State, Washington, D.C. 20520. Members of the public, however, will only be accommodated up to the seating capacity of the meeting room.

W. E. WELD, Jr.,
Staff Director,
Commission Secretariat.

JANUARY 5, 1976.

[FR Doc.76-985 Filed 1-12-76;8:45 am]

Agency for International Development

[Redelegation of Authority No. 99.1.1; Amendment No. 6]

CHIEF, REGIONAL OPERATIONS DIVISION, ET AL.

Redelegation of Authority Regarding the Contracting Function

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973 from the Assistant Administrator for Program and Management Services (38 FR 12836) as amended; I hereby further amend Redelegation of Authority No. 99.1.1, dated May 2, 1973 (38 FR 12836) as amended, to add "Chief, Special Operations Division" to the list of officers in paragraph A.

This amendment is effective October 27, 1975.

Dated: November 3, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.76-990 Filed 1-12-76;8:45 am]

[Redelegation of Authority No. 99.1.2, Amendment No. 1]

CHIEF, SPECIAL OPERATIONS DIVISION, ET AL.

Redelegation of Authority

Pursuant to the authority redelegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973, from the Assistant Administrator for Program and Management Services (38 FR 12836), as amended, I hereby amend Redelegation of Authority No. 99.1.2 dated May 2, 1973 (38 FR 12837) to substitute "Chief, Special Operations Division and Chief, Participating Agency Branch" for "Chief, Participating Agency Staff" at the end of the first paragraph.

This amendment is effective October 27, 1975.

Dated: November 3, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.76-989 Filed 1-12-76;8:45 am]

MISSION DIRECTOR, USAID, CHILE

Redelegation of Authority

Redelegation of Authority Regarding Contract Functions No. 99.1.31, effective October 1, 1973, and published in the FEDERAL REGISTER on October 14, 1973 (38 FR 29095), is amended to revise subparagraph 1, as follows:

1. U.S. Government contracts and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

This amendment is effective immediately.

Dated: November 11, 1975.

RUSSELL DILTS,
Acting Director,
Office of Contract Management.

[FR Doc.76-987 Filed 1-12-76;8:45 am]

MISSION DIRECTOR, USAID/PHILIPPINES

Redelegation of Contracting Authority

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 F.R. 12836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to the Mission Director, USAID/Philippines, the authority to sign or approve the following instruments, up to an amount of $500,000 (or local currency equivalent) *per transaction:*

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign governments or agencies thereof;

(3) Inter-agency service agreements (IASAs) between AID and other U.S. Government agencies;

(4) AID grant-financed host country contracts for technical assistance; and

(5) Amendments to the instruments specified above.

The authorities herein delegated may be redelegated in writing, in whole or in part, by said Mission Director as follows:

(1) Authority up to $25,000 may be redelegated at the Mission Director's discretion;

(2) Authority over $25,000 may be redelegated with the prior concurrence of the Director, Office of Contract Management (except that such prior concurrence is not required in the case of a redelegation to the Mission Director's principal deputy).

Such redelegations shall remain in effect until revoked by the Mission Director, or upon advice from the Director, Office of Contract Management that his concurrence in a redelegation is withdrawn, whichever shall first occur. The authority so delegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director, Office of Contract Management, to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

Redelegation of Authority 99.1.6 (38 FR 29500) dated September 28, 1973, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations re-

voked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective November 6, 1975.

Dated: November 6, 1975.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.76-988 Filed 1-12-76;8:45 am]

[CM-6/4]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet February 3–4, 1976 at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue NW., Washington, D.C. The sessions will be convened at 9:30 a.m. in Room 300 of Building No. 52.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting will be a review of the foreign documents to be treated during the international meeting of Study Group 7 in February 1976.

Members of the general public may attend the sessions and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: January 5, 1976.

GORDON L. HUFFCUTT,
Chraiman,
U.S. National Committee.

[FR Doc.76-986 Filed 1-12-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Amdt. to Dept. Circ.; Public Debt Series—No. 2-76]

TREASURY NOTES OF SERIES J-1978

Dated and Bearing Interest From February 2, 1976; Due January 1, 1978

Section III, paragraph 3 of Department of the Treasury Circular, Public Debt Series—No. 2-76, dated January 7, 1976, is hereby amended by deleting the fifth sentence and in lieu thereof inserting the following:

"After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less; except that if that rate would result in a price less than 99.751 on otherwise acceptable tenders, the interest rate will be set at the next higher ⅛ of one percent that would result in all acceptable tenders being priced at 99.751 or higher. In such a case the average accepted price would be more than 100.000."

STEPHEN S. GARDNER,
Acting Secretary
of the Treasury.

[FR Doc.76-1093 Filed 1-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Privacy Act of 1974

The National Committee for Employer Support of the Guard and Reserve, in order to implement the Privacy Act of 1974, hereby publishes notice that it maintains record of all committee members in locked filing cabinets located in its offices at 1117 North 19th Street, 9th Floor, Arlington, VA 22209. Those individuals on whom records are maintained are members of the Executive Committee and Field Operations Council. The records are limited to biographies, submitted voluntarily by each individual upon his/her acceptance to membership on the committee, and computerized mailing lists. Although referred to infrequently, the biographies are occasionally used to provide background information when committee members are asked to address local business organizations on behalf of the program—employer support of the Reserve Forces.

All records maintained by the committee are returned to individuals upon their resignation. All members have been advised that they have ready access to their records, are permitted to review them at any time, and make copies and corrections, as required.

Committee members were requested to give their written consent—or dissent—to the maintenance of their records in accordance with established procedures. No comments have been forthcoming and the system of record keeping has therefore not been changed.

Responsible agency official: Captain Gordon K. Meriwhether, Jr., USNR, Staff Director, National Committee for Employer Support of the Guard and Reserve.

MAURICE W. ROCHE,
Director, Correspondence
and Directives, OASD(C).

JANUARY 9, 1976.

[FR Doc.76-1116 Filed 1-12-76;8:45 am]

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention will meet Wednesday, Thursday, and Friday, January 28, 29, and 30, 1976 in San Francisco, California.

The meeting of the Full Committee is scheduled to convene at 1:00 p.m., Thursday, January 29th in the Marine Room, Travel Lodge, 250 Beach Street, San Francisco, California. The Full Committee meeting is scheduled to adjourn at 5:00 p.m. on Thursday, resume at 9:00 a.m. the following day and adjourn at 5:00 p.m. on Friday, January 30.

The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention (The National Institute Advisory Committee) will meet on Wednesday, January 28th beginning at 1:00 p.m. to review and discuss issues related to juvenile delinquency prevention.

The National Institute Advisory Committee, the Advisory Committee on the Concentration of Federal Effort (The Concentration of Federal Effort Committee) and the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (The Standards Committee) will meet from 9:00 a.m. to 12:00 noon on Thursday, January 29.

The focus of the Full Committee will be:

The review of overall policy for Federal juvenile delinquency programs.

The development of the First Annual Comprehensive Plan for juvenile justice and delinquency prevention, which is due March 1, 1976.

All meetings will be open to the public. For further information, contact Frederick P. Nader, Acting Deputy Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

JAY A. BROZOST,
Attorney-Advisor.

[FR Doc.76-852 Filed 1-12-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting at the Ramada Inn Airport, 7250 N.W. 11th Street, Room 227, Miami, Florida on February 4, 5, and 6, 1976. The meeting will be open to the public.

Discussion will focus on the review and comments on the organized crime standards and policy issues which will be voted on.

Meeting Times: February 4, 2 p.m.–6 p.m.; February 5, 9 a.m.–6 p.m.; February 6, 9 a.m.–6 p.m.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Manage-

ment, 633 Indiana Avenue NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-984 Filed 1-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CABAZON BAND OF MISSION INDIANS

Plan for the Use and Distribution of Cabazon Band of Mission Indians Judgment Funds Awarded in Docket 148 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 15, 1971, 85 Stat. 627, in satisfaction of the award granted to the Cabazon Band of Mission Indians in Indian Claims Commission Docket 148. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 8, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on July 14, 1975, and by the Senate on July 16, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 30, 1975, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of December 15, 1971, 85 Stat. 627, in satisfaction of the award granted to the Cabazon Band of Mission Indians in Docket 148 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

"The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of $2,000 to each member of the Cabazon Band of Mission Indians who was born on or prior to and is living on the effective date of this plan. Procedures for updating the tribal membership roll shall be implemented through the publication of rules and regulations in the FEDERAL REGISTER.

"The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

"Minors' per capita shares, until the minors attain the age of 18 years, shall be retained in individually segregated IIM accounts and handled as set out in the next paragraph, unless a private trust for the minors' per capita shares is established, subject to the approval of the tribal governing body and the Secretary. Should it be determined that the funds are to be invested pursuant to a private trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained in IIM accounts and handled as provided in the next paragraph.

"The per capita shares of minors, including the investment income accruing thereto, individually segregated in IIM accounts shall not be disbursed until the minors reach 18 years of age. At that time, unless the minors are under legal disability, they shall be entitled to withdraw their judgment funds and accrued investment income as provided in 25 CFR 104.3. If the minors are under legal disability upon reaching their majority, their judgment funds and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. While a minor is under 18 years of age, the only time a portion of a minor's per capita share and the income accruing thereto may be disbursed from an IIM account is when the minor has health or education needs which cannot be met from any other source. Determination that such a need is present and authorization of payment to meet it shall be made by the Superintendent or Officer in Charge of the Agency office or other local office of the Bureau of Indian Affairs where the minor's IIM account is located. Where payment for a minor's health or education need is so authorized, the Superintendent or Officer in Charge is responsible for approving payment of no more than is required to meet the specific health or education need and seeing that the payment is only used for that purpose.

"Eight (8) percent of the net judgment fund principal, and its accrued interest, shall be used for the operation of the Cabazon tribal government at the rate of $2,100 per year for three years and the remainder to be used in the fourth year for the same purpose.

"From the remainder of the net judgment fund principal and its accrued interest, $2,000 shall be paid to Mrs. Remijio Callaway as an expression of tribal gratitude for the services rendered to the Cabazon Band of Mission Indians by her late husband in pursuing Docket 148 before the Indian Claims Commission. The balance of the funds, with accrued interest, shall be invested at the highest rate of interest by the Secretary for staggered periods of time which are to be designated by the Cabazon Business Committee. These funds are to be held in reserve for the following purposes but shall only be used in the event that the Cabazon Band cannot generate the necessary funds from other sources: legal fees in impending suits on tribal water rights and roads rights-of-way infringement on the reservation, and seed monies to generate Federal, State, or local grant funds for the construction of a tribal community building and cemetery and for community development purposes.

"In the event all or part of the funds scheduled to be used for seed money or legal fees are unused or unobligated by July 1, 1976, the Secretary shall make a per capita distribution of that portion which remains unused or unobligated, and its accrued interest, in a sum as equal as possible to each member of the Cabazon Band of Mission Indians who was born on or prior to and who is living on the effective date of the plan. Individual shares shall be administered pursuant to paragraphs three (3), four (4), and five (5) of this plan."

Dated: December 5, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-949 Filed 1-12-76;8:45 am]

CHEROKEE NATION

Plan for the Use and Distribution of the Cherokee Nation Judgment Funds Awarded in Docket 173-A Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Cherokee Nation in Indian Claims Commission Docket 173-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 11, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on July 16, 1975, and by the Senate on July 22, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on November 5, 1975, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Cherokee Nation in Docket 173-A before the Indian Claims Commission, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

"The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of one million dollars of the judgment fund principal, in a sum as equal as possible, to each living Cherokee enrollee who is enrolled by the Secretary for purposes of this plan.

"Living enrollees are defined as persons whose names appear on any one of the final rolls, cited below, approved under the provisions of the Act of April 26, 1906, 34 Stat. 137, or the Act of August 1, 1914, 38 Stat. 780, and are living on the

effective date of this plan. The final rolls are as follows:

1. Cherokees by Blood, approved March 4, 1907.
2. Cherokees by Blood, approved August 1, 1914.
3. Cherokees by Blood—Minor children (1907).
4. Delaware Cherokees (1907).
5. Cherokees by Intermarriage (1907).
6. Cherokee Freedmen, approved March 4, 1907.
7. Cherokee Freedmen, approved August 1, 1914.
8. Cherokee Freedmen—Minor children (1907).

"All applications for a per capita share of the funds must be filed with the Area Director of the Muskogee Area Office of the Bureau of Indian Affairs by an enrollee or in his behalf within one year of the effective date of this plan. The Secretary shall issue appropriate enrollment regulations to implement this distribution.

"The per capita shares of living competent enrollees shall be paid directly to them. Per capita shares of legal incompetents shall be paid pursuant to such safeguards as the Secretary may prescribe. Per capita shares of deceased individual beneficiaries shall be paid pursuant to 25 CFR, Part 16.

"The programing aspect of this plan is as follows:

"All programing funds shall be utilized as recommended by the Principal Chief (or any Cherokee Nation governing body recognized by the Secretary) and approved by the Secretary.

"Twenty (20) percent of the remainder of the judgment fund principal, plus all interest and investment income accrued on this portion, shall be invested and the interest and investment income accrued therefrom shall be utilized, on an annual budgetary basis, for Cherokee tribal operations. Such operations shall include, but are not limited to, annual administration expenses, including salaries, expenses of developing a Cherokee Nation constitution and expenses incurred in the election of the Principal Chief of the Nation.

"The balance of the judgment fund principal, plus all interest and investment income accrued on this portion, shall be invested and the interest and investment income accrued therefrom, beginning one year after the initial investment, shall be utilized on an annual budgetary basis for social and economic development purposes. Such social and economic purposes shall include financing payments on the Tsa-La-Gi Inn complex (not more than 25 percent of the available interest and investment income); financing payments on Tribal Industrial Building No. 2—Cherokee Complex (not more than five percent); the development of tribal land (not more than five percent); land acquisition (not more than 25 percent); and matching funds to promote general social and economic development (not more than 40 percent). Should funds in various categories not be needed, such as those budgeted for purposes of financinig payments, the Principal Chief or the tribal governing body shall make appropriate adjustments in the annual budget, subject to the approval of the Secretary, and apply funds to general social and economic development programs."

Dated: December 5, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-950 Filed 1-12-76;8:45 am]

WESTERN APACHE INDIANS

Plan for the Use and Distribution of Western Apache Judgment Funds Awarded in Docket 22-D Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the award granted to the Western Apache Indians in Indian Claims Commission Docket 22-D. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated September 3, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on September 8, 1975, and by the Senate on September 10, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on December 3, 1975, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the award granted to the Western Apache Indians in Docket 22-D before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be equally divided between the San Carlos Apache Tribe and the White Mountain Apache Tribe. The funds so divided, including the interest thereon, shall be used and distributed as herein provided:

"From the White Mountain Apache share of the award, eighty (80) percent of the judgment fund principal, and its accrued interest, less funds expended by the tribe for program planning and roll preparation for which the White Mountain Apache Tribe shall be reimbursed to the tribe's U.S. Treasury Trust Account, 14X7226 Proceeds of Labor, Fort Apache Indians, Arizona, subject to the approval of the Secretary of the Interior (hereinafter 'Secretary'), shall be paid per capita in a sum as equal as possible to all tribal members born on, or prior to, and living on the effective date of this plan. The membership roll shall be brought current under existing tribal procedures. For the purposes of this plan, the effective date of enrollment of children with the White Mountain Apache Tribe, whose membership would otherwise become effective on the date of tribal council action under adoption Ordinance No. 59, approved September 17, 1964, is the effective date of the plan, provided they were born on or prior to and living on that date.

"From the San Carlos Apache share of the award, eighty (80) percent of the judgment fund principal, and its accrued interest, shall be paid per capita in a sum as equal as possible to all tribal members born on or prior to, and living on the effective date of this plan. The membership roll shall be brought current under existing tribal procedures.

"Within nine (9) months of the effective date of this plan, the White Mountian Apache Tribe and the San Carlos Apache Tribe shall post or cause to be posted copies of proposed tribal membership rolls for a period of 30 days, during which time any person may appeal the inclusion or omission of any name on or from the rolls. The deadline for filing appeals shall be midnight of the last day of said 30-day period. Appeals shall be handled in accordance with procedures established under 25 CFR 42—Enrollment Appeals.

"The Secretary, in arranging for the per capita payments to be made, shall withhold sufficient shares for individuals whose entitlement may be in question. Those shares shall be held at interest in separate individual Indian money accounts, pending determination of enrollment appeals. The amount of any shares not used to pay successful appellants shall be available for use in any part of the program portion of the plan as approved by the Secretary of the Interior.

"The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

"Minors' per capita shares, including all investment income accruing thereto, shall be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, will be placed in a private trust as approved by the Secretary. Should it be determined that the funds are to be invested pursuant to a private trust, minors who will have reached the age of eighteen within six months after the establishment of such trust shall have their funds retained in IIM accounts. If the minors' shares are retained in IIM accounts, upon a minor's reaching the age of eighteen, unless the beneficiary is under a legal disability, the beneficiary shall be entitled to withdraw the per capita share

and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5.

"Should any unclaimed or undeliverable per capita shares be restored to either tribe pursuant to the Act of September 22, 1961, 75 Stat. 584, funds representing such shares shall be made available for general tribal purposes.

PROGRAMING ASPECTS—SAN CARLOS APACHE

"The balance of the San Carlos Apache share of the judgment fund principal and its accrued interest shall be used in the following manner:

"a. Ten and one-half (10.5) percent and its accrued interest shall be invested in a permanent irrevocable trust at the highest possible rate of interest and the interest shall be used annually to provide scholarships.

"b. Five (5) percent and its accrued interest shall be used to assist in combating elementary school and high school dropout problems.

"c. Ten (10) percent and its accrued interest shall be used for scholarships to supplement Bureau of Indian Affairs assistance for higher education.

"d. Ten (10) percent and its accrued interest shall be used in a tribal welfare and funeral program designed to supplement State and Bureau of Indian Affairs or other Federal programs.

"e. Forty (40) percent and its accrued interest shall be used in the economic development of the reservation for such purposes at matching funds for Federal programs, assistance to individuals establishing on-reservation businesses, and assistance to individuals seeking Small Business Administration loans.

"f. Ten and one-half (10.5) percent and its accrued interest shall be used to replace horses and heifers of the I.D.T. (tribal) herd.

"g. Eight (8) percent and its accrued interest shall be used to supplement other funds to start a tribally owned utility company.

"h. Six (6) percent and its accrued interest shall be used to supplement other funds to start a tribal construction company and to assist tribal members in making bids for electrical, plumbing or other types of construction work.

"Appropriate guidelines shall be developed by the tribal council to govern the orderly administration and management of each of the foregoing aspects of the 20-percent portion of this plan, which are subject to the approval of the Secretary.

PROGRAMING ASPECTS—WHITE MOUNTAIN APACHE

"Ten (10) percent of the White Mountain Apache share of the judgment fund principal and its accrued interest, as calculated up to and including the effective date of this plan, shall be utilized for recreation facilities and shall be apportioned to the communities of the reservation on the following basis: Cibecue—18 percent, Canyon Day—11 percent, Cedar Creek—6 percent, East Fort—13 percent, Seven Mile—7 percent, N.F., Rainbow Diamond Creek—19 percent, Whiteriver—9 percent, McNary—5 percent, Carrizo—12 percent.

"Each community shall submit to the tribal council a proposal for the expenditure of its share of the funds, including specific information regarding facilities to be constructed or purchased, cost estimates, construction schedules, and the outline of a program for the subsequent use of these facilities. Upon tribal council approval of each community's proposal, and subject to the approval of the Secretary of the Interior, funds will be held on deposit in an IIM account and released as needed to the communities under the monitorship of the tribal business office.

"The remaining ten (10) percent of the White Mountain Apache share of the judgment fund principal and its accrued interest as calculated through the effective date of this plan, plus all interest accruing on the programed twenty (20) percent of the White Mountain Apache share of the award, beginning the day after the effective date of this plan and continuing so long as any part of that 20 percent remains unused shall be expended on the cost of operating a recreation program, including the employment of a recreation director, and for the purchase of buses to be used for the transportation of recreation program participants.

"The recreation director, who shall be employed by the tribal council within three (3) months after the effective date of this plan, shall prepare a detailed budget for the expenditure of this portion of the funds. The recreation budget shall be adopted by the tribal council, made part of the annual tribal budget, and approved by the Secretary of the Interior, prior to implementation of any aspect of the recreation program."

Dated: January 5, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-951 Filed 1-12-76;8:45 am]

WINNEBAGO INDIANS

Plan for the Use and Distribution of Winnebago Tribe of Nebraska and Winnebago Tribe of Wisconsin Judgment Funds Awarded in Dockets 243, 244, and 245 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of January 8, 1971, 84 Stat. 1981, in satisfaction of the award granted to the Winnebago Tribe of Nebraska and Winnebago Tribe of Wisconsin in Indian Claims Commission Dockets 243, 244 and 245. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 8, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on July 14, 1975, and by the Senate on July 16, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 30, 1975, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of January 8, 1971, 84 Stat. 1981, in satisfaction of an award granted to the Winnebago Indians in Dockets 243, 244 and 245 before the Indian Claims Commission, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

"The Winnebago Tribe of Wisconsin and the Winnebago Tribe of Nebraska shall prepare membership rolls current as of the effective date of this plan for the purpose of dividing the judgment funds. The rolls shall be prepared in accordance with procedures established by the respective tribes and approved by the Secretary of the Interior (hereinafter 'Secretary'). Appeals from rejected applicants shall be handled in accordance with 25 CFR 42. The rolls shall contain only the names of persons who were born on or prior to and are living on the effective date of this plan and who meet the requirements for enrollment specified in the respective tribal constitutions. Any person who meets the enrollment criteria of both tribes shall be entitled to be enrolled with only one of the tribes for the purposes of sharing in the judgment funds and must elect the tribe with which he desires to be enrolled. The Secretary, after approval of the rolls so prepared, shall divide the judgment funds, together with all interest and investment income accrued, between the Winnebago Tribe of Wisconsin and the Winnebago Tribe of Nebraska on the basis of respective numbers on the membership rolls brought current to the effective date of this plan.

"The Secretary shall make a per capita distribution of the total share of the Winnebago Tribe of Wisconsin, in a sum as equal as possible, to each eligible member. The Secretary shall make a per capita distribution of sixty-five (65) percent of the share of the Winnebago Tribe of Nebraska, in a sum as equal as possible, to each eligible member, except that the Secretary is authorized to deduct a sum in full or partial payment of any indebtedness on the part of a tribal member to the Winnebago Tribe of Nebraska. The funds so collected shall be deposited in the tribe's trust fund account 14X7334, Proceeds of Labor, Winnebago Indians, Nebraska.

"The remaining thirty-five (35) percent of the tribe's share, shall be invested to implement the following pro-

grams for the benefits of the members of the Winnebago Tribe of Nebraska:

"*Tribal Burial Trust Fund.* A Tribal Burial Trust Fund shall be established with the total amount equaling $100 for each tribal member on the tribal roll prepared for this judgment distribution, to a maximum of $300,000, and invested and utilized in accordance with a trust program to be developed by the Tribal Council and approved by the Secretary. The principal shall remain intact and the death benefits shall be made from interest earnings only. A death benefit shall be applied towards the burial needs of a deceased tribal member enrolled as of the effective date of this plan and shall extend to future members. The Tribal Council shall establish, on an annual budgetary basis, the maximum amount of a death benefit.

"*Tribal Credit Program.* One-third of the remainder of the programing funds, plus all interest accrued on this portion, after deducting the amount to be used for a Tribal Burial Trust Fund, shall be invested for use in a Tribal Credit Program. The Nebraska Winnebago Tribal Council shall develop a plan for a Tribal Credit Program in order to consolidate its credit and financing under one system, and to make loans to tribal members under the procedures developed therein. The Tribal Credit Program plan shall be approved by the Secretary and may be modified at the request of the Tribal Council and approval of the Secretary.

"*Tribal Land Acquisition Program.* Two-thirds of the remainder of the programing funds, plus all interest accruing on this portion, after deducting the amount to be used for the burial fund, shall be invested for use in a Tribal Land Acquisition Program. The Tribal Council, under the provisions of a Tribal Administrative Operating Procedure for Land Acquisition, shall acquire land for farming and livestock opportunities for tribal members, and to help resolve the problems resulting from fractionated ownership of allotted lands. The Tribal Land Acquisition Program shall be approved by the Secretary and may be modified at the request of the Tribal Council and approval of the Secretary. The lands purchased shall be held in trust by the United States for the Winnebago Tribe of Nebraska.

"*Handling Per Capita Shares.* The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

"Minors' per capita shares, until the minors attain the age of 18 years, shall be retained in individually segregated IIM accounts and handled as set out in the next paragraph, unless a private trust for the minors' per capita shares is established, subject to the approval of the tribal governing body and the Secretary. Should it be determined that the funds are to be invested pursuant to a private trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained in IIM accounts and handled as provided in the next paragraph.

"The per capita share of a minor, including the investment income accruing thereto, in an IIM account shall not be disbursed until the minor reaches 18 years of age. At that time, unless the minors are under legal disability, they shall be entitled to withdraw their judgment funds and accrued investment income as provided in 25 CFR 104.3. If the minors are under legal disability upon reaching their majority, their judgment funds and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. While a minor is under 18 years of age, the only time a portion of a minor's per capita share and the income accruing thereto may be disbursed from an IIM account is when the minor has health or education needs which cannot be met from any other source. Determination that such a need is present and authorization of payment to meet it shall be made by the Superintendent or Officer in Charge of the Agency office or other local office of the Bureau of Indian Affairs where the minor's IIM account is located. Where payment for a minor's health or education need is so authorized, the Superintendent or Officer in Charge is responsible for approving payment of no more than is required to meet the specific health or education need and seeing that the payment is only used for that purpose."

Dated: December 5, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-952 Filed 1-12-76;8:45 am]

Bureau of Land Management

[INT DES 76-2]

COLORADO

Availability of Draft Environmental Statement

The draft environmental statement for the proposed construction and operation of water treatment facilities by the Denver Water Board in Douglas and Jefferson Counties, Colorado, will be available to the public early in January 1976.

The Bureau of Land Management invites your written comments on or before February 27, 1976.

A limited number of copies are available upon request to Dale Andrus, State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Public reading copies will be available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th and E Streets NW., Washington, D.C. 20240.

Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Canon City District Office, Bureau of Land Management, 3080 East Maint Street, Canon City, Colorado 81212.

Northeast Resource Area Headquarters, Bureau of Land Management, 1010 Tenth Street, Golden, Colorado 80401.

COUNTY COURTHOUSES

Arapahoe County Courthouse, 2069 W. Littleton Blvd., Littleton, Colorado 80120.

Douglas County Courthouse, Court House, Castle Rock, Colorado 80104.

Jefferson County Courthouse, 1700 Arapahoe Street, Golden, Colorado 80401.

PUBLIC LIBRARIES

Denver Public Library, 1357 Broadway, Denver, Colorado 80203.

Written comments or statements should be submitted to the State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Notice is also given that a public hearing on the draft environmental statement will be held at:

Plymouth Congregational Church, 3501 South Colorado Boulevard, Denver, Colorado. 9 AM on February 19, 1976.

Oral testimony of ten minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The ten minute time limitation will be strictly enforced. Complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted ten minutes.

Written requests to testify orally should be received by the Colorado State Director, Bureau of Land Management, at the above address prior to close of business on February 16, 1976. Request should be signed by the prospective witness, and should state the approximate time preference for giving oral testimony. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Speakers will be heard, if present, in their established order of precedence. After the last listed witness present has been heard, the presiding officer will consider the request of any other person present and wishing to testify. The presiding officer may continue the hearing into a subsequent session the following day if necessary to hear all prospective witnesses. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinion of a private citizen.

Dated: January 9, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-1065 Filed 1-12-76;8:45 am]

[NM 27218, 27219 and 27220]

NEW MEXICO

Applications

JANUARY 6, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 6 W.,
Sec. 24, NE¼SE¼.
T. 31 N., R. 10 W.,
Sec. 10, lot 12;
Sec. 18, lots 5, 6 and 7.

These pipelines will convey natural gas across .654 of a mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-982 Filed 1-12-76;8:45 am]

[Utah-31810]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the CC Company has applied for a gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

T. 21 S., R. 23 E.,
Sec. 11.

The 2⅜" gas pipeline will convey gas from the CCCo-Adak 11-1A oil well to the Vukosovich #22 well.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

DECEMBER 31, 1975.

[FR Doc.76-983 Filed 1-12-76;8:45 am]

Geological Survey

GEOTHERMAL RESOURCES AREA

Fly Ranch Northeast, Nevada

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area effective August 1, 1974.

(28) NEVADA

FLY RANCH NORTHEAST KNOWN GEOTHERMAL RESOURCES AREA, MT. DIABLO MERIDIAN, NEVADA

T. 35 N., R. 24 E.
Secs. 21 through 28;
Secs. 33 through 36.

The area described aggregates 7,680 acres, more or less.

Dated: December 5, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.76-953 Filed 1-12-76;8:45 am]

National Park Service

ROCKY MOUNTAIN NATIONAL PARK, SHADOW MOUNTAIN NATIONAL RECREATION AREA, COLORADO

Designation of Snowmobile Areas and Routes

On February 14, 1975, a notice was published in the FEDERAL REGISTER (40 FR 6797) proposing to designate areas and routes for snowmobile use within the Rocky Mountain National Park and the Shadow Mountain National Recreation Area.

Interested persons were invited to submit views and comments on the proposal and a public meeting coordinated by the Grand Lake Area Chamber of Commerce was held on April 21, 1975. A total of twenty (20) letters were received concerning the proposal. Twelve (12) letters were opposed to any snowmobiling in the national park, six (6) were opposed to any expansion of existing routes in the park, one (1) asked for a rerouting of the trail near the Columbine Subdivision, and the Grand Lake County Commissioner suggested two (2) additions to existing trails. The public meeting included representatives from the National Park Service, U.S. Forest Service, Grand County governmental officials, the Grand Lake Area Chamber of Commerce, the press, and members of the general public.

As a result of comments received, the proposed designation is adopted with the following change. An additional off-road snowmobile route called "Bowen Gulch Access Trail" is also designated, to provide snowmobile operators access into the Arapaho National Forest. The criteria contained in sections 3 and 4 of Executive Order 11644 (37 FR 2877) have been carefully considered, as have factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. A map detailing the areas and routes designated is available at the Office of the Superintendent. An environmental assessment has also been prepared and is available at the same location.

The following areas and routes are designated for snowmobile use within the Rocky Mountain National Park and the Shadow Mountain National Recreation Area, effective February 12, 1976.

A. Green Ridge Snowmobile Trail.

This route departs from the plowed road at a point 500 feet north of the pumping plant maintained by the Bureau of Reclamation on the north shore of Lake Granby. Route proceeds east 200 feet to the shoreline, and continues in an easterly direction over the frozen lake surface for approximately ¾ mile, passing around the north end of Rainbow Island, where the route turns south toward Shelter Island, paralleling the shoreline of Green Ridge. Approximately ½ mile from the north end of Rainbow Island, the route turns east across a point of land, crosses the ice across Hidden Cove and up onto the peninsula of Green Ridge.

The trail splits into a two-loop system. The northern loop, proceeding clockwise, runs generally north for a mile, east for ½ mile toward the summit of Green Ridge—reaching its highest elevation at approximately 8,900 feet, before turning south and following an intermittent drainage back to the frozen lake surface of 8,280 feet elevation, normal pool level.

The southern trail loop, proceeds clockwise (easterly) up the same intermittent drainage for approximately ½ mile, continues east to the 8,700 foot elevation of Green Ridge, turns south to follow a meadow and the Granby shoreline for approximately one mile to Hidden Cove.

Approximately two miles of this route is in lodgepole pine forest on Green Ridge, following former logging roads. Another two miles of trail crosses meadows and clearings. The initial 1½ miles is over the frozen lake surface. The National Park Service regulates the opening and closing dates for public use of this trail by snowmobiles, as dictated by a sufficent thickness of ice for safe use. Elsewhere on the Federal lands of Shadow Mountain National Recreation Area, snowmobile operation is permitted in the draw-down zone of the reservoirs, below the high water mark. Operation of snowmobiles on the adjacent frozen lake surface is permitted after the ice is of sufficient thickness to assure safe operation, which date shall be established by the National Park Service and may be obtained by telephoning 627-3471.

B. Summerland Park Snowmobile Trail.

This route lies in Sections 32 and 33, Township 4 North, Range 75 West. This route is a continuation of the public road maintained by the town of Grand Lake.

as a service road to the town's water system. Snowmobiles proceeding up that road reach the boundary of Rocky Mountain National Park approximately 1,000 feet off route 278 and ½ mile from the center of the town of Grand Lake.

The route enters the National Park, turns east across Tonahutu Creek, generally following the boundary between Park and private land for approximately ¾ mile, before turning northeasterly into the Park for another ½ mile. The snowmobile route terminates near the end of the motor vehicle road serving a summer residence on a privately owned inholding.

C. Supply Creek Access Snowmobile Trail.

This route provides snowmobile users the opportunity to proceed from the town of Grand Lake (and other points on private land adjacent to Rocky Mountain National Park), and by crossing the corner of the Park for 1.5 miles in Section 31, Township 4 North, Range 76 West, to gain access to a system of logging roads in Arapaho National Forest—particularly the "Supply Creek Trail".

The snowmobile trail enters the Park northwest of the town of Grand Lake, follows an abandoned road for approximately .3 mile through lodgepole pine forest and crosses Trail Ridge Road (Route 34) at the Park boundary. The trail turns northwest across a meadow on the west side of Route 34, enters a forest of lodgepole pine and crosses the county maintained road to Winding River Ranch, at a point approximately 300 feet inside the Park boundary. From that point, the trail runs north, following an abandoned powerline right-of-way, for .6 mile to a point of intersection with another county road along the Park boundary.

D. Trail Ridge Road.

The 7.7 mile portion of Trail Ridge Road, between Timber Creek Campground and the Lake Irene picnic area, is designated as a snowmobile trail. This road above Timber Creek Campground is not plowed during the winter months. The snowmobile route terminates short of Poudre Lakes and Milner Pass, to prevent disturbance to the bighorn sheep wintering in that area.

E. Bowen Gulch Access Trail.

The trail begins at the gate barring public vehicular travel into Youth Conservation Corps Camp Kawuneeche, and proceeds for .4 mile in a southwesterly direction, along a former roadway, to the boundary between Rocky Mountain National Park and Arapaho National Forest. This route provides snowmobile operators the opportunity to depart from Trail Ridge Road, at a junction 6.5 miles north of the Park's Grand Lake Entrance Station, and proceed west into the National Forest, where a network of former logging roads, including the Bowen Gulch trail (jeep), is open to snowmobile travel. The access route within the Park is located in the northwest corner of Section 36, Township 5 North, Range 76 West.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Rec. Area.

[FR Doc.76-964 Filed 1-12-76;8:45 am]

Office of the Secretary

[INT FES 76-1]

AVAILABILITY OF FINAL ENVIRONMENTAL STATEMENT

Use of Steel Shot for Hunting Waterfowl in the United States

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed Use of Steel Shot for Hunting Waterfowl in the United States.

Proposal recommends that in hunting ducks, geese, and swans (Anatidae), and coots (Fulica americana), shot shells loaded with steel or other approved pellets be required in the United States beginning in the years 1976 through 1978 in different flyways.

Copies of the final statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service Regional Office at—

1500 N.E. Irving Street, Portland, Oregon 97208.
517 Gold Avenue, S.W., Albuquerque, New Mexico 87103.
Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
17 Executive Park Drive, N.E., Atlanta, Georgia 30329.
U.S. Post Office and Courthouse, Boston, Massachusetts 02109.
Denver Federal Center, Denver, Colorado 80225.
U.S. Fish and Wildlife Service, Division of Ecological Services, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Division of Ecological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Division of Ecological Services. Please refer to the statement number above.

Dated: January 7, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.76-953 Filed 1-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

Organization, Functions, and Availability of Information

Pursuant to 5 U.S.C. 552 and the authority of the Administrator, Extension Service, appearing at 7 CFR 2.59, notice is hereby given for the guidance of the general public as to the organization, functions and availability of information of Extension Service. This notice is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1-1.16 (including Appendix A), implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as supplemented by this notice, govern the availability of records of Extension Service to the public. This notice supersedes the previous notice at 38 FR 14950 (1973).

ORGANIZATION AND FUNCTIONS

Section 1. *General.* The Smith-Lever Act of 1914 provided for Cooperative Extension Work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto, and the Uinted States Department of Agriculture. Following are the authorities delegated to the Administrator of the Extension Service:

1. Administer the Smith-Lever Act, as amended (7 U.S.C. 341-349).

2. Conduct educational and demonstration work under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627).

3. Conduct educational and demonstration work in the cooperative farm forestry program conducted under Section 5 of the Act of June 7, 1924, as amended (16 U.S.C. 563).

4. Provide educational and technical assistance to persons not receiving financial assistance under title 5 of the Housing Act of 1949 (42 U.S.C. 1476).

5. Administer sections 109-111 of the District of Columbia Public Education Act, as amended, relating to cooperative extension programs in the District of Columbia (D.C. Code. Sec. 31-1609-1611).

6. Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

7. Act as the liaison between the Department and officials of the land-grant colleges and universities on all matters relating to cooperative extension work and educational activities relating thereto.

8. Provide educational leadership for the Department's farm safety educational program.

9. Serve as a focal point for the Department in contacts and working relationships with national town-country church leaders and denominational and interdenominational church organizations.

10. Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs with Indians under the memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

11. Administer Information and educational services, essential to carrying out preemergency and emergency USDA defense operations through the Cooperative Extension Service.

12. Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service.

13. Provide educational support of resource development programs in rural areas and cooperate with other Federal and State agencies, private organizations and groups in providing information concerning assistance available for resource development programs.

14. Represent the Department in dealings with international organizations and foreign countries on matters related to Extension education methods, programs and organizations.

15. Administer extension programs under Title V of the Rural Development Act of 1972 (P. L. 92–419) (7 U.S.C. 2661–2668).

Section 2. *Organization.* The Extension Service is the educational agency of the U.S. Department of Agriculture and serves as the national office for the U.S. Cooperative Extension Service System. Extension Service is located in the South Building of the Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. The organization consists of the following:

Administrator
Associate Administrator
Information Services Staff
Deputy Administrator—Operations
Civil Rights Staff
Management Operations Staff
Personnel Staff
Relations
Deputy Administrator, Program and Staff Development
Program Analysis & Evaluation Staff
Program Development Technology & Review Staff
Staff Development Staff
Assistant Administrator, International Extension
Assistant Administrator, Agriculture & Natural Resources
Assistant Administrator 4-H Youth
Assistant Administrator, Home Economics
Assistant Administrator, Rural Development

AVAILABILITY OF INFORMATION

Section 3. *General.* These regulations are established in Extension Service, USDA, in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16, and Appendix A, Implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations as implemented by the regulations in this notice govern the availability of records of Extension Service to the public.

Section 4. *Public Inspection and Copying.* 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. Members of the public may request access to such materials maintained by Extension Service at the office of the Director of Information Services Staff, Room 5048–S, 14th Street and Independence Avenue, Washington, D.C., between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday of each week.

Section 4(a). The Extension Service in cooperation with the USDA Office of Communications publishes annually an "Annual Inventory of Available USDA Popular Publications." The primary purpose of this publication, including the monthly supplements is for the use of the State and County Extension Offices in ordering USDA publications. Any of the publications listed in this Annual Inventory may be obtained free of charge by writing: Distribution Section, Management Operations Staff, Extension Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Section 4(b). At the beginning of each fiscal year, Extension Service prepares an Inventory of all ES Reports. This Inventory includes ES Internal Reports, ES Public Reports, USDA Internal Reports, and Interagency Reports. Any of these reports may be obtained by writing: Reports and Analysis Branch, Management Operations Staff, Extension Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Section 5. *Requests for Records.* Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to Director of Information Service Staff, Extension Service, USDA, Washington, D.C. 20250. The Director of Information Service Staff is hereby delegated authority to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

Section 6. *Appeals.* Any person whose request under Section 5 above is denied shall have the right to appeal such denial. This appeal shall be addressed to: Administrator, Extension Service, USDA, Room 5039–S, Washington, D.C. 20250.

Issued at Washington, D.C., this 7th day of January, 1976.

EDWIN L. KIRBY,
Administrator,
Extension Service.

[FR Doc.76-960 Filed 1-12-76;8:45 am]

Forest Service

BOISE NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Boise National Forest Grazing Advisory Board will meet at 1:30 P.M., February 17, 1976, at the Boise National Forest Supervisor's Office, 1075 Park Boulevard, Boise, Idaho.

The purpose of the meeting is to explain the purpose and function of the Advisory Board, review of and suggestions for revising the constitution and by-laws, to comment on the revision of the 2200 Range Management section of the Forest Service Manual, and to explain briefly Forest Service appeal procedures.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Tom Nicholson, President, Boise National Forest Grazing Advisory Board, 10322 Estate Drive, Boise, Idaho 83705. Telephone: Area Code 208–375–5255. Written statements may be filed with the committee before or after the meeting.

Dated: January 6, 1976.

WILLIAM P. GEE,
Acting Forest Supervisor.

[FR Doc.76-980 Filed 1-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 41–1]

ORGANIZATION AND FUNCTION ORDER

Office of the Assistant Secretary for Domestic and International Business

This order effective December 15, 1975 supersedes the material appearing at 40 FR 12696 of March 20, 1975 and 40 FR 48539 of October 16, 1975.

SECTION 1. PURPOSE

.01 This order prescribes the scope of authority and functions of the organizations making up the Office of the Assistant Secretary for Domestic and International Business.

.02 This revision incorporates the provisions of a prior amendment and reflects the transfer of the Office of Field Operations from the immediate Office of the Assistant Secretary for DIB. (See DIBA Organization and Function Order 48–1.)

SECTION 2. ORGANIZATION

The Office of the Assistant Secretary for Domestic and International Business will consist of the following:

The Deputy Assistant Secretary for Domestic and International Business.
Congressional Relations Staff
Office of Public Affairs
Directorate of Administrative Management

SECTION 3. THE DEPUTY ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

The *Deputy Assistant Secretary for Domestic and International Business* shall perform such duties as the Assistant Secretary shall assign; shall carry out the Assistant Secretary's responsibilities in connection with the Defense Production Act of 1950 as amended and extended; shall be the principal assistant and advisor to the Assistant Secretary on public affairs, and administrative matters; shall direct the activities of the Office of Public Affairs and the Directorate of Administrative Management; and shall assume the duties of the Assistant Secretary during the latter's absence.

.01 In addition the following specific authorities delegated to the Assistant Secretary for Domestic and International Business by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for Domestic and International Business:

a. The Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, et

seq.) conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce;

b. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions;

c. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

d. The Strategic and Critical Materials Stockpiling Act, (50 U.S.C. 98–98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

e. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve; and

f. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense.

.02 For the purpose of the authorities delegated in Section .01 a.–f. above, the Deputy Assistant Secretary for Domestic Commerce shall report to the Deputy Assistant Secretary for Domestic and International Business, and shall serve as his deputy and act in his absence.

.03 The Deputy Assistant Secretary for Domestic and International Business may exercise other authorities of the Assistant Secretary in the direction of the Office of Public Affairs, and the Directorate of Administrative Management. (The organization and functions of DAM are contained in DIBA Organization and Function Order 42–1.)

.04 The Director, Congressional Relations Staff, will report to the Deputy Assistant Secretary for Domestic and International Business and will be responsible for coordinating congressional matters within DIBA and serving as DIBA liaison with the Department's Office of Congressional Affairs and for performing functions as prescribed by DIBA Administrative Instruction 1–2, "Congressional Relations".

.05 The Deputy Assistant Secretary for Domestic and International Business may redelegate his authority subject to such conditions in the exercise of such authority as he may prescribe.

SECTION 4. THE OFFICE OF PUBLIC AFFAIRS

.01 The *Office of Public Affairs* shall be headed by a *Director* who shall report and be responsible to the Deputy Assistant Secretary for Domestic and International Business. The Director will be responsible for furnishing public affairs and information services to the Domestic and International Business Administration organization units and will head the following organizational components:

.02 The *Public Information Division* shall develop long-range plans, programs and goals; develop, prepare, clear and release press releases; develop graphic presentations, scripts and record material for distribution; draft speeches and public statements; develop speaking forums for DIBA officials designed to support Departmental and Administration objectives; perform editorial services including research and editorial assistance in the preparation and publication of technical articles; and maintain mailing lists, biographical data, business information and other reference material.

.03 The *Communication Services Division* shall assist in the development of Domestic and International Business Administration publications including gathering of material, writing, and preparation for printing; promote DIBA publications; prepare and arrange for placement of display and advertising for DIBA promotional events in the U.S. and abroad; maintain liaison with the Department's Office of Publications and the Government Printing Office and with other Government agencies concerned with DIBA reports and publications.

SECTION 5. ADMINISTRATIVE SUPPORT SERVICES

Pursuant to DIBA Organization and Function Order 42–1 the Directorate of Administrative Management, Domestic and International Business Administration shall provide management, budget, personnel, travel, and administrative services to all elements of the Office of the Assistant Secretary for Domestic and International Business.

SECTION 6. EFFECT ON OTHER ISSUANCES

This order supersedes DIBA Organization and Function Order 41–1 of March 6, 1975, as amended.

Effective: December 15, 1975.

TRAVIS E. REED,
Assistant Secretary for Domestic and International Business.

[FR Doc.76–981 Filed 1–12–76;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Receipt of Recommended Decision on Fouke Application To Waive the Moratorium, MMPAH #1, 1975

A notice published on December 31, 1975 in the FEDERAL REGISTER (40 FR 60105) announced that public comments would be received by the Director, National Marine Fisheries Service regarding a recommended decision to import fur sealskins from South Africa, until January 19, 1976.

The notice is hereby amended. Public comments will be received by the Director through January 20, 1976.

Dated: January 8, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–961 Filed 1–12–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Meeting; Correction

In FR Doc. 75–33771 appearing at page 58332 in the issue of Tuesday, December 16, 1975, the open portion of the Experimental and Special Training Review Committee Meeting should be changed from 9:00–9:30 a.m., January 14 to 1:30–2:00 p.m., January 14.

Dated: January 9, 1976.

DAVID F. KEFAUVER,
Assistant Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76–1078 Filed 1–12–76;8:45 am]

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical Agents

Correction

In FR Doc. 76–16 appearing on page 802 in the issue for Monday, January 5, 1976, make the following corrections:

1. In the 14th line of the first paragraph, the word "th" should read "the".

2. In the list of chemical agents, "cloroprene" should read "chloroprene".

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Correction

In FR Doc. 75–34956 appearing at page 1182 of the issue for Tuesday, January 6, 1976, the text of the preamble contained a number of typographical errors. For the convenience of readers, the preamble is reprinted in full below:

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579) as prescribed in 5 U.S.C. 552a(e)(4), the following notice of systems of records that are maintained by the Department of Health, Education, and Welfare is published as set forth below. Any omissions due to oversight will be published at a later date.

Prior to the final adoption of the proposed routine uses for new or corrected notices, consideration in accordance with the requirements of 5 U.S.C. 552a (e)(11) will be given to comments which are submitted in writing on or before February 4, 1976.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

The following listing includes notices of systems of records which were inadvertently omitted from the groups of no-

tices published on August 27, 1975, Part II, Section I, pp. 38391–38683; September 22, 1975, Part IV, pp. 43700–43711 and October 1, 1975, Part III, pp. 45348–45415. In addition, it includes a number of corrections to notices previously published. In the corrected notices additional routine uses can be ascertained by comparing the routine uses of the corrected notices with those previously published in the FEDERAL REGISTER issues cited above.

Pursuant to the Privacy Act of 1974, Pub. L. 93–579, the Department of Health, Education, and Welfare published for public comment notices of systems of records including routine uses as described above. Interested persons were given 30 days to submit written comments or suggestions concerning the system notices and their routine uses. No public comment was received with respect to these system notices and routine uses, therefore except where modified by this submission, these notices of systems of records, including their routine uses, are adopted.

The Department, at the recommendation of the Office of Management and Budget, published on October 24, 1975, Part III, page 49886, a routine use which may be used for disclosure in response to congressional inquiries for all of the Department's systems of records. Five public comments were received on this proposed routine use—one was not relevant and the other four requested that additional organizations other than Congress should be given the same routine use treatment. The Privacy Act, however, does not allow this additional latitude, therefore, the special congressional routine use is adopted as published in the FEDERAL REGISTER.

Dated: December 19, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Correction

In FR Doc.75–35752, appearing at page 1405 of the issue for Wednesday, January 7, 1976, the preamble contained a number of typographical errors. For the convenience of readers, the full text of the preamble is reprinted below. In addition, the file line of the document was inadvertently omitted: it should read as follows: [FR Doc. 75–35752 Filed 12–31–75; 2:45 p.m.].

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579) as prescribed in 5 U.S.C. 552a(e)(4), the following notice of systems of records that are maintained by the Department of Health, Education, and Welfare is published as set forth below. Any omissions due to oversight will be published at a later date.

Prior to the final adoption of the proposed routine uses for new or corrected notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before February 5, 1976.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

The following listing includes notices of systems of records which were inadvertently omitted from the groups of notice published on August 27, 1975, Part II, Section I, pp. 38391–38683; September 22, 1975, Part IV, pp. 43700–43711 and October 1, 1975, Part III, pp. 45348–45415. In addition, it includes a number of corrections to notices previously published. In the corrected notices additional routine uses can be ascertained by comparing the routine uses of the corrected notices with those previously published in the FEDERAL REGISTER.

Dated: December 22, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Educaiton, and Welfare, on February 21, 1975, will meet on Monday, February 2, 1976, at 9:15 a.m. and Tuesday, February 3, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245–7510.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary, Review Panel on New Drug Regulation.

JANUARY 6, 1976.

[FR Doc.76–1000 Filed 1–12–76;8:45 am]

Social and Rehabilitation Service

PUBLIC SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Heatlh, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to reflect the change in name of the Community Services Administration to the Public Services Administration. For such purposes, section 5.20 is amended as follows:

By striking out the name "Community Services Administration" from the heading of the bureau's functional statements and wherever it appears within the statements and inserting in lieu thereof the name "Public Services Administration".

Dated: November 3, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–1001 Filed 1–12–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27506; Order 76–1–25]

BALTIMORE-NORFOLK SERVICE CASE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of January, 1976.

By a motion filed November 3, 1975, Allegheny Airlines, requests that the Board issue an order directing all interested persons to show cause why Allegheny's application for a certificate amendment at issue in the *Baltimore-Norfolk Service Case*, Docket 27506[1] should not be granted without a hearing. Allegheny's motion was precipitated by Piedmont Aviation's filing of a motion to withdraw its application in said case, thus leaving Allegheny as the sole applicant.[2]

In support of its motion for a show cause order, Allegheny states that the Baltimore-Norfolk market is a relatively short-haul, 193-mile market in which there are two carriers (National and United) certificated to provide nonstop service. In 1969, this market generated 63,000 on-line and 41,000 O&D passengers, or 173 and 112 passengers per day, respectively.[3] Allegheny alleges that since

[1] The *Baltimore-Norfolk Service Case* was instituted by the Board in Order 75–7–22, July 3, 1975. Therein, the Board specifically placed in issue whether the grant of any authority should be mandatory or permissive and whether the certificates of the incumbent carriers, United and National, should be restricted to preclude nonstop service.

[2] The prehearing conference has been held and the information responses and direct exhibits have been submitted. In its motion to withdraw, Piedmont stated that it had no objection to the grant of Allegheny's application so long as the Board imposes a condition prohibiting Allegheny from providing single-plane service between Norfolk and New York via Baltimore. Since the instant motion was filed before the due date for rebuttal exhibits, the Judge suspended all further hearing steps pending final action on Allegheny's motion.

[3] Allegheny states that as recently as 1971 there were as many as six (6) daily nonstop flights between Baltimore and Norfolk with three (3) additional one-stop services.

1970–1971, the history of certificated air service in the Baltimore-Norfolk market has been a dismal one with United totally abandoning its service in 1973 and National (1971–1973) basically operating only one nonstop round trip in the market. Finally, in May of 1975, National ceased to provide any single-plane service, thus relegating the Baltimore-Norfolk passengers to connecting service.

In addition, Allegheny states that if its application is granted, it proposes to operate two daily round trips between Baltimore and Norfolk with one flight continuing on to Pittsburgh and the other flight to Indianapolis and beyond St. Louis. In terms of passenger benefits, Allegheny estimates that its services will convenience nearly 63,000 passengers in the first full year of service; that diversion from any other carrier will be minimal; and that the new nonstop service will produce an operating profit in the first year of $238,000. Finally, Allegheny states that it takes no position on the issue of decertification regarding National and United, *i.e.*, imposing a nonstop prohibition. However, Allegheny requests that because two carriers already hold nonstop authority which is permissive, any authority awarded to it should also be permissive to prevent a situation where it was compelled to operate unneeded and uneconomic services in the event that either National or United were to resume service.

Subsequently, National, United, the Norfolk, Indianapolis, and Maryland Parties filed answers suporting Allegheny's motion for show cause. Both National and United support Allegheny's motion so long as their authority is not modified or restricted.[4] National also states that the Board should impose a single-plane restriction on any authority granted to Allegheny in the Norfolk-New York market via Baltimore and that Allegheny has stated that it is willing to accept such a restriction.

Upon consideration of Allegheny's motion and all the relevant facts, we tentatively conclude that the public convenience and necessity require grant of Allegheny's application for certificate amendment in Docket 27506 so as to authorize Allegheny to operate nonstop Baltimore-Norfolk service.[5] The authority proposed to be granted herein will be ineligible for subsidy. In support of our tentative conclusions, we tentatively find that amendment of Allegheny's certificate, as requested, will afford that carrier an oportunity to provide needed nonstop service in a market which has had its nonstop services discontinued by the incumbent carriers, National and United. As stated in its motion, Allegheny's proposed services will convenience some 63,000 passengers while earning an operating profit of $283,000 in its first year of operation.

In addition, we have tentatively concluded not to impose any conditions on the authority of National and United between Baltimore and Norfolk. No party to this proceeding is requesting such a restriction and it is our view that restrictions should not be imposed absent an affirmative showing requiring their imposition.[6] Conversely, we have tentatively decided to impose a restriction against single-plane service on Allegheny's authority in the Norfolk-New York market via Baltimore. Both National and Piedmont have waived their objections to Allegheny's motion on the basis that this restriction would be imposed and Allegheny has agreed thereto. Finally, we have tentatively decided that Allegheny's authority to serve the Baltimore-Norfolk market should be permissive. In light of the fact that United's and National's authority have not been restricted herein and the fact that their authority is permissive, we do not believe it would be appropriate that Allegheny should be the only carrier in the market with a mandatory service obligation. This conclusion is especially true when considering the possibility that either National or United, or both, could resume service some time in the future creating a situation where Allegheny would be required to provide service in the market irrespective of need or profitability.

Interested persons will be given thirty days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, That: 1. All interested parties are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, amending Condition 4 of Allegheny's certificate for route 97 to (1) delete the one-stop restriction between Baltimore and Norfolk and (2) impose the following restriction in the New York-Norfolk market:

City pair	Stop restriction	Other restriction
New York-Norfolk	1-stop	No single-plane service via Baltimore.

2. Any interested person having objection to the issuance of an order making final the proposed findings or conclusions set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 5, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein, including termination of the hearing set in Order 75–7–22; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; Piedmont Aviation, Inc.; National Airlines, Inc.; United Air Lines, Inc.; the Norfolk Port and Industrial Authority; the Indianapolis Airport Authority; the State of Maryland; and the Cities of St. Louis and Boston.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–1010 Filed 1–12–76;8:45 am]

[Dockets 25953, 22322]

FEDERAL EXPRESS CORP., ET AL.

Postponement of Prehearing Conference

In the matter of Federal Express Corporation and General Dynamics Corporation, control relationship, Docket 25953, and Lester Crown and Trans World Airlines, Inc., interlocking relationships, Docket 22322.

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on January 22, 1976 (40 FR 57711, December 11, 1975), is postponed indefinitely.

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[4] National alleges that the issue of amending the extant nonstop authority of National and United in the Baltimore-Norfolk market was originally raised by Piedmont, which has subsequently withdrawn its application. Therefore, National states that no need remains for imposing such a restriction, particularly in light of the fact that Allegheny does not seek its imposition.

[5] The Board has previously determined in its instituting order that the proposed action herein is not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

[6] North Central Airlines, Inc., Change in Service Pattern, 36 C.A.B. 866, 868. Also see 51 C.A.B. 20 (1969).

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Dated at Washington, D.C., January 6, 1976.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-1009 Filed 1-12-76;8:45 am]

[Order 75-12-147; Docket 27573; Agreements C.A.B. 25171, 25185, 25202, R-1 through R-13, 25256, R-1 through R-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Cargo Rates

Correction

In FR Doc. 76-152 appearing on page 807 in the issue of Monday, January 5, 1976, make the following correction:

On page 809, in the first column of the table, the number below "R-13" should have read "25256".

PICK-UP AND DELIVERY ZONE

Application for Tariff Filing Authority

JANUARY 8, 1976.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 28734, from Emery Air Freight Corporation, P.O. Box 322, Wilton, Connecticut 06897, for authority to provide pick-up and delivery service between Orlando Jetport and Bellwood, Canova Beach, City Point, Frontenac, Indialantic, Indian Harbor Beach, La Grange, Palm Bay, Palm Shores, Pineda, Rockledge, Satellite Beach, Sharpes, Williams Point and West Melbourne, Florida.

Under the provisions of section 222.3 (c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-1008 Filed 1-12-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

GEORGIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Georgia Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 5:00 p.m. on February 6, 1976, at the Hyatt Regency Atlanta, Stuart Room, 265 Peachtree, N.E., Atlanta, Georgia.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to release Georgia Prison Report; discussion and planning for national School Desegregation Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-927 Filed 1-12-76;8:45 am]

KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is herbey given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) to this Commission will convene at 8:00 on January 23, 1976 and end at 3:00 on January 24, 1976, at the Holiday Inn (Gardens) 425 Minnesota, Kansas City, Kansas.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

This meeting is an introduction of rechartered SAC and to plan a program for 1976.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-935 Filed 1-12-76;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on February 2, 1976, at the Galt House Fourth Street at River, Lord Crews and Oak Room, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to make plans for the Louisville school desegregation hearing.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-928 Filed 1-12-76;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 2:00 p.m. on January 19, 1976, at the Galt House, Fourth Street at River, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting will be a regular SAC meeting. Major emphasis is orientation to the Commission's school desegregation project. Staff experts are expected to attend and brief the SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-929 Filed 1-12-76;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on February 17, 1976, Fourth Street at River, The Galt House, Queen Room, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to prepare for the Kentucky school desegregation hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-930 Filed 1-12-76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 8:00 on January 22, 1976, at the Social Security Building Room G20 Security Blvd., Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is that the Committee will hear reports from the Employment, Housing and Education subcommittees. Members will discuss the SAC participation in the School Desegregation project. New SAC appointees will be introduced.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.
Advisory Committee Management Officer.

[FR Doc.76-939 Filed 1-12-76;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 5:30 p.m. on January 30, 1976, at 163 Madison Street, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to: 1. Progress report on Model Cities report, 2. Update on Sault Ste. Marie community development issues, 3. Discussion of future activities, etc.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-936 Filed 1-12-76;8:45 am]

MISSISSIPPI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby give, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Mississippi Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and will end at 3:00 p.m. on January 28, 1976, at the Holiday Inn (Downtown) 200 East Amite Street, Box 22677, Jackson, Mississippi 39201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is an introduction of New Members and Staff; Orientation, Preliminary Report on Mississippi State Employment; Discussion of National School Desegregation Project; Election of Officers.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-931 Filed 1-12-76;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 7:30 p.m., on January 29, 1976, at the Ramada Inn off N.J. Turnpipe.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss SAC's abortion and migrant projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-940 Filed 1-12-76;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 4:00 p.m. on January 30, 1976, at 320 Hillsboro Street, Holiday Inn Downtown, Caucus Room, Raleigh, North Carolina 27602.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting will be a press conference to release North Carolina Prison Report, Schedule of meetings for remainder of year. Planning for SAC retreat. Programmatic plans for remainder of year. Discussion of prison project followup.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-934 Filed 1-12-76;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 4:00 p.m. on February 6, 1976, at the Cleveland Plaza Hotel, East 12th Street and Euclid Avenue, Cleveland, Ohio 44115.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss desegregation study and status of Ohio Report and future SAC activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-937 Filed 1-12-76;8:45 am]

PENNSYLVANIA ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a hearing of the Pennsylvania, Delaware Advisory Committees (SAC) originally scheduled has been changed. The hearing will be held on January 21, 1976 at 6:00 p.m. at the Treadway Motor Lodge, West Chester, Pennsylvania.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-932 Filed 1-12-76;8:45 am]

TENNESSEE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Tennessee Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 5:30 p.m. on January 23, 1976, at the Hyatt Regency, 623 Union Street, Nashville, Tennessee 37219.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is a National School Desegregation Project; Programmatic plans for 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-933 Filed 1-12-76;8:45 am]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 3:00 p.m. on January 29, 1976, at 1033 3rd Avenue Huntington, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is to discuss Committee's next project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 6, 1976.

ISAIAH T. CRESWELL, Jr.
Advisory Committee Management Officer.

[FR Doc.76-938 Filed 1-12-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

THE ECONOMIC ROLE OF CONTRACT MARKETS

Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on January 29, 1976 at the Americana of New York, Seventh Avenue at 52nd Street, New York, New York, in the Royal Ballroom B, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Economic functions of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;

(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;

(iii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and

(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limits under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:

(i) Proliferation of contracts;

(ii) Commercial viability of contracts (including delivery points); and

(iii) Trading potential (new and inactive contracts).

The summarized agenda for the meeting is as follows:

1. Discussion of Definition of Hedging.
2. Discussion of Definition of International Arbitrage.

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 that wishes to file a written statement with the Committee should mail a copy of the statement to Margaret Harrison, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Mrs. Harrison, telephone (202) 254-8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Dated: January 7, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-859 Filed 1-12-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARING

Notice is hereby given of a public hearing of the Commission on Federal Paperwork in Washington, D.C. The hearing will be held on January 29, 1976, in Room 2154, Rayburn House Office Building.

The hearing will commence at 9:00 a.m. and end at 1:00 p.m. The first part of the hearing will examine the paperwork problems associated with the Employee Retirement Income Security Act. The second part of the hearing will examine the paperwork problems of State and local government in administering Federal grant programs. The Commission will place special emphasis on education grant programs.

Testimony presented at this hearing will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearing should contact the Commission on Federal Paperwork, located at 1111 20th Street, NW., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-1023 Filed 1-12-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

Public Meeting

Notice is hereby given of the third regular meeting of the Commission on Federal Paperwork to be held in Room S-407, the U.S. Capitol, on January 30, 1976, at 9:00 a.m.

The public meeting will commence at 9:00 a.m. and continue until approximately 12:00 Noon. If necessary to complete its business, the Commission will reconvene at 2:00 p.m. At its meeting the Commission will review progress on approved projects, review staff proposals for future projects, and review proposed Commission positions on specific paperwork problems. If the Commission should decide to consider matters relating solely to its internal personnel and budget practices as authorized by 5 U.S.C. 552(b)(2) or to examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6), the meeting will be closed to the public.

Anyone wishing to attend the open portion of the meeting is invited. For further details contact the Commission on Federal Paperwork, Room 200, 1111

20th Street, NW., Washington, D.C. 20582, telephone (202) 254–6920.

FRANK HORTON,
Chairman.

[FR Doc.76–1024 Filed 1–12–76;8:45 am]

DEFENSE COMMUNICATIONS AGENCY

DCA SCIENTIFIC ADVISORY GROUP

Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on 1 and 2 March 1976 in the Defense Communications Agency, Director's Conference Room at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The agenda items will be How the Defense Communications System (DCS) is Managed, The Functions of the DCA Command and Control Technical Center, and group discussion.

Any person desiring information about the advisory group may telephone (area code 202—692–1765) or write Chief Scientist-Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense.

MARGARET E. ANDERSON,
Committee Management Officer.

[FR Doc.76–941 Filed 1–12–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 478–1]

MICHIGAN; STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for five categories and seven categories of new stationary sources (NSPS), respectively, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On July 23, 1973, the Regional Administrator, Region V, EPA forwarded to the State of Michigan information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. On February 3, 1975, the Executive Secretary of the Michigan Air Pollution Control Commission submitted to the EPA Regional Office a request for delegation of authority. Included were copies of State statutes which provide the State with the requisite authority to implement and enforce the NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraph (A) and (B) of the following official letter to the executive Secretary of the Air Pollution Control Commission, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 11 of that letter:

NOVEMBER 5, 1975.

MR. RALPH W. PURDY,
Executive Secretary, Michigan Air Pollution Control Commission, Michigan Department of Natural Resources, Stevens T. Mason Building, Lansing, Michigan 48926.

DEAR MR. PURDY: This is in response to your letter of February 3, 1975 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Michigan.

We have reviewed the pertinent laws of the State of Michigan and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS. Therefore, subject to the specific conditions and exceptions set forth below, we hereby grant delegation of authority to implement and enforce the NSPS and NESHAPS to the State of Michigan as follows:

A. Authority for all sources located in the State of Michigan subject to the standards of performance for the new stationary sources promulgation in 40 CFR Part 60 as February 3, 1975. The 12 categories of new sources covered by this delegation are fossil fuel-fired steam generator units greater than 250 million BTU's per hour; incinerator units greater than 50 tons per day; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the State of Michigan subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of February 3, 1975. The 3 hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

The following conditions and exceptions apply to these delegations:

1. Semiannual reports will be submitted to EPA by February 15 and August 15 of each year. These reports which will include as a minimum a description of the source and source inventory data for the pollutants controlled.

2. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Michigan to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards or requirements not included in the State's Request of February 3, 1975.

3. Upon approval of the Regional Administrator of Region V, the Executive Secretary of the Michigan Air Pollution Control Commission may subdelegate his authority to implement and enforce the NSPS and NESHAPS to other air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

4. The State of Michigan will at no time grant a waiver of compliance with NESHAPS.

5. The delegation to the State of Michigan does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61.

6. The State of Michigan may not grant a variance from compliance with NSPS and NESHAPS regulations unless such variance does not prevent compliance with the Federal standards (40 CFR Parts 60 and 61) by the times specified in the Federal standards. Should the State of Michigan grant a prohibited variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variance by the State of Michigan will constitute grounds for revocation of delegation by EPA.

7. The Michigan Air Pollution Control Division and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed about (a) the current compliance status of subject sources in the State of Michigan and (b) the interpretation of applicable regulations.

8 At no time shall Michigan enforce a State regulation less stringent than the Federal requirements (40 CFR Parts 60 and 61).

9. Enforcement of the NSPS and NESHAPS in the State of Michigan will be the primary responsibility of the State of Michigan. If the State determines that a violation of a delegated NSPS or NESHAPS exists, the Michigan Air Pollution Control Division shall immediately notify EPA, Region V of the nature of the violation together with a brief description of State efforts or strategy to secure compliance. EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with regard to such violations.

10. The State of Michigan will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

11. If the Regional Administrator determines that a State or local agency procedure for implementing and enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Michigan Air Pollution Control Commission.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS from sources located in the State of Michigan should be submitted to the Michigan Air Pollution Control Division, Michigan Department of Natural Resources Office at Stevens T. Mason Building, 8th Floor, Lansing, Michigan 48926. Any such reports which have been or may be received by EPA, Region V, will be promptly transmitted to the Michigan Air Pollution Control Division.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State, written notice of objections within 10 days of the date of receipt of this letter, the State of Michigan will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

FRANCIS T. MAYO,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Executive Secretary of the Michigan Air Pollution Control Commission on November 5, 1975, that authority to implement and enforce the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants was delegated to the State of Michigan.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region V Office, 230 South Dearborn Street, Chicago, Illinois 60604.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources listed in the above letter and the national emission standards for hazardous air pollutants should be submitted to the EPA Region V Office and should also be submitted to the Air Pollution Control Division, Michigan Department of Natural Resources at the following address: Stevens T. Mason Building, Lansing, Michigan 48926.

However, reports required pursuant to 40 CFR S60.7(c) (excess emissions and malfunctions) should be sent to the State Agency only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended. (42 U.S.C. 1857 c–6 and 7.)

Dated: December 9, 1975.

FRANCIS T. MAYO,
Regional Administrator.

[FR Doc.76–849 Filed 1–12–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee (EAC) will meet Monday, February 2, 1976, at 9 a.m., Room 5041–B, Federal Energy Administration, 12th & Pennsylvania Ave., NW., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning the environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Report on the status of energy scenario being developed by EAC, which incorporates fuel cost pricing for energy and will be compared with scenarios from FEA's updated Project Independence Report.

2. Review of National Science Foundation sponsored study on industrial energy centers.

3. Reports and recommendations from Subcommittees on: Coal Leasing and Mining, OCS Development/Energy Facility Siting, Energy Conservation, Transportation, and Air Quality/Coal Utilization.

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management, at 202–961–7022.

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 the Director, Advisory Committee Management at least 5 days prior to 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.

Issued at Washington, D.C. on January 8, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–962 Filed 1–8–76;1:26 pm]

FEDERAL MARITIME COMMISSION

KARLANDER (AUSTRALIA) PTY. LTD. AND SOUTH PACIFIC UNITED LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Walter M. Schey, Esq., Frolik, Filley & Schey, 22 Battery Street, Suite 1100, San Francisco, California 94111.

Agreement No. 10212 has been filed with the Commission for approval under Section 15 of the Shipping Act, 1916, by Karlander (Australia) Pty. Limited and South Pacific United Line. The parties will establish and maintain a joint cargo service under the agreement to be known as Karlander Kangaroo Line, covering the trade:

A. Between West Coast ports of the United States including Hawaii and ports of Australia, New Zealand, Tahiti, Noumea, Nukalufa, Fiji, Pago Pago, New Hebrides, and New Guinea.

B. (In both directions) between West Coast ports of the United States including Hawaii and West Coast Canadian ports.

C. (In both directions) between West Coast ports of the United States including Hawaii and West Coast Mexican ports.

The joint service is in accordance with the terms and conditions set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: January 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–1011 Filed 1–12–76;8:45 am]

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a

clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 50–33 has been entered into by the member lines of the Pacific Coast-Australasian Tariff Bureau for the purpose of adding a new paragraph, IX (C), to the conference agreement which reads as follows:

IX(C). Any common carrier by water meeting the qualifications of subparagraph (a), above, but offering or intending to offer only an infrequent service, of no greater frequency than one sailing in the trade every 60 days, may become an associate member of the conference and party to this agreement, in accordance with the procedures outlined in subparagraph (a), and without necessity of payment of the admission fee prescribed in subparagraph (b). Associate members shall have no vote on changes to this agreement or in conference proceedings and shall not participate in any distribution of conference funds upon dissolution of the conference. Associate members may be required to share in the costs of administering the conference, in such manner as the regular members shall from time to time determine and in an amount reasonably commensurate with their level of service in the trade and their non-voting status. In the event an associate member's service becomes more frequent than one sailing every 60 days, such associate member may be required, by vote of the regular members, to assume regular voting membership (together with payment of the admission fee than established) or else resign from the conference.

By Order of the Federal Maritime Commission.

Dated: January 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–1012 Filed 1–12–78;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73–77]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JANUARY 2, 1976.

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 is sole supplier, Tennessee Gas Pipeline Company.

Alabama-Tennessee states that the revised tariff sheet provides for the following rates:

Rate schedule	*Substitute fourteenth revised sheet No. 3–A*
G–I:	
Demand	$2.32
Commodity	0.072.89
SG–1: Commodity	.089.84
I–1: Commodity	.074.89

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.76–889 Filed 1–12–76;8:45 am]

[Docket No. RP76–49]

ALASKAN ADVANCES

Order To Show Cause

DECEMBER 31, 1975.

By order issued December 31, 1975, in Docket Nos. R–411 and RM74–4, we issued an order which, inter alia, terminated rate base treatment for all advance payments made under contracts executed on or after December 28, 1973, the date of issuance of Order 499. In that order, we noted that producer responses associated with 64 percent of the proven reserves in Alaska indicate that those reserves would have been dedicated to the Commission's interstate market absent advance payment program in Alaska. Moreover, we found that it was not in the national interest for this Commission to permit certain interstate pipelines to encumber natural gas reserves in Alaska to the exclusion of others. Furthermore, we noted that intrastate market competition for Alaskan reserves was negligible.

Based upon these factors, among others, we found it appropriate in our December 31, 1975, order to terminate rate base treatment as of December 31, 1975, for all Alaskan advances made under contracts executed on or after December 28, 1973, the date of issuance of Order 499 and to order refunds of all amounts collected. These same factors, as well as the evidence filed in Docket Nos. R–411 and RM74–4, dictate that we institute a proceeding to require the pipelines, i.e. Columbia Gas Transmission Corporation, Northern Natural Gas Company, Michigan Wisconsin Pipe Line Company, and El Paso Natural Gas Company; which have made Alaskan advances under contracts executed prior to Order 499, and have included such advances in their respective rate bases, to show cause why rate base treatment for such advances should not be terminated as of December 31, 1975, why refunds of all carrying charges collected should not be ordered, and why such other relief as may be appropriate should not be ordered.

The Commission orders. Pursuant to the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations; Columbia Gas Transmission Corporation, Northern Natural Gas Company, Michigan Wisconsin Pipe Line Company and El Paso Natural Gas Company; shall show cause, within 30 days of the date of issuance of this order, why rate base treatment for Alaskan advances included in the respective rate bases of such pipelines and which advances were made pursuant to contracts executed prior to December 28, 1973, the date of issuance of Order 499 should not be terminated as of December 31, 1975, why refunds of all carrying charges collected by the pipelines should not be ordered and why such other relief as may be appropriate should not be ordered.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–923 Filed 1–12–76;8:45 am]

[Docket No. CP76–173]

ALGONQUIN GAS TRANSMISSION COMPANY ET AL.

Application

DECEMBER 31, 1975.

Take notice that on November 26, 1975, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76–173 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for the benefit of South Jersey Gas Company (South Jersey), all as more fully set forth in the application on file with

the Commission and open to public inspection.

Applicants request authorization for the transportation and exchange of natural gas from November 16, 1975, to April 15, 1976. It is stated that Boston Gas Company (Boston Gas) would release volumes of gas to Algonquin at Boston, Massachusetts; Algonquin would by displacement transport and deliver equivalent volumes of gas to Texas Eastern at the Hanover, New Jersey delivery point of Texas Eastern; Texas Eastern would transport and deliver equivalent volumes of gas to Transco at Linden, New Jersey, or other mutually agreeable existing interconnections in the New Jersey-Pennsylvania area; and Transco would transport and deliver equivalent volumes of gas to South Jersey at existing delivery points in New Jersey.

The service proposed is said to be in connection with a joint application for a temporary certificate filed with the Commission by Distrigas of Massachusetts Corporation (DOMAC) and Distrigas Corporation (Distrigas) in Docket Nos. CP73–135 and CP74–227 on August 13, 1975, the sale of certain quantities of liquefied natural gas (LNG) to certain distributing companies including South Jersey.[1] Applicants state that for the period November 16, 1975 through April 15, 1976, South Jersey has arranged with the Applicants, DOMAC and Boston Gas for the vaporization of the LNG at the DOMAC facilities in Everett, Massachusetts, and for the delivery of equivalent quantities of gas to it by pipeline.

The application states that the imported LNG would be delivered to Boston Gas by DOMAC in a vaporized form and Boston Gas would use such vaporized gas in its own system which is located entirely within Massachusetts. Equivalent volumes would thereupon be released to Algonquin which would then by displacement transport and deliver equivalent quantities based on heat content to Texas Eastern. Texas Eastern, in turn would transport and deliver equivalent quantities based on heat content to Transco. Transco, in turn, would transport and deliver equivalent quantities to South Jersey. Algonquin would charge South Jersey 15 cents per million Btu delivered. Transco would charge South Jersey 9.75 cents per Mcf at 14.7 psia, or such rate as may be amended or superseded from time to time at the initiation of either party by appropriate filing with the Commmission.

Applicants state that they do not propose to construct any facilities to provide this exchange and transportation service as all deliveries will be made through the existing pipeline systems and delivery points and within existing delivery obligations. Such best-efforts deliveries will be made by Applicants, they state, to the extent they can do so provided there is no adverse effect upon the operations and services they are rendering under their other effective service agreements and rate schedules.

[1] Authorization was granted by the Commission order of September 2, 1975.

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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–915 Filed 1–12–76;8:45 am]

[Docket No. ER76–394]

ARIZONA PUBLIC SERVICE CO.

Change of Fuel Adjustment Clause

JANUARY 6, 1976.

Take notice that Arizona Public Service Company on December 24, 1975, tendered for filing proposed changes in its fuel adjustment clause included in its Rate Schedules FPC Nos. 12, 13, 14, 15, 16, 17, 34, 35, 50, 51, 52, 53, 54, 57, 58, 59 and Electric Tariff Original Volume 1.

The proposed change is submitted in compliance with FPC Order No. 517 and is proposed to become effective on January 1, 1976. This change adds a provision for inclusion of nuclear generation (of which the Company presently has none) and a minor technical correction in regard to losses to the Company's fuel adjustment clause which is presently effective, subject to refund, by order of the Commission in Docket No. E–8624.

Copies of this filing were served upon the Company's jurisdictional customers receiving service pursuant to the above-listed rate schedules.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 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.76–884 Filed 1–12–76;8:45 am]

[Docket No. ER76–369]

ARKANSAS POWER & LIGHT CO.

Filing of Amendment to Agreement

JANUARY 6, 1976.

Take notice that on December 16, 1975, Arkansas Power and Light Company (AP&L), tendered for filing the First Amendment to the Agreement for Electric Service to the City of Osceola, Arkansas by Arkansas Power & Light Company, which has been designated AP&L Rate Schedule FPC No. 63. This amendment provides for the relocation of an existing point of delivery to the Company's Osceola industrial substation.

The Company states that the relocation of the point of delivery will not have a material effect on the billing to the customer. The Company further states that due to the difficulty in determining the effect on billing, no billing information was filed.

The effective date of the proposed amendment is the date on which the facilities of both parties, which are necessary to relocate the point of delivery, are in place, or the date this amendment is permitted to become effective by regulatory authorities having jurisdiction, whichever is later.

The Company states that the proposed amendment has been served on the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1976. Protests will be considered by the Commission in determing 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.76–886 Filed 1–12–76;8:45 am]

[Docket No. ER76-393]

CENTRAL LOUISIANA ELECTRIC CO.

Request for Waiver

JANUARY 6, 1976.

Take notice that on December 12, 1975 Central Louisiana Electric Company, Inc. (CLECO) tendered for filing with the Commission a request that the Commission waive the requirements of Order No. 517 to permit deferral of the filing of a fuel adjustment clause conforming to Section 35.14 of the Commission's Regulations, 18 CFR 35.14, until February 29, 1976. CLECO states that the requested waiver is necessary to permit it to complete an updated cost of service study based on the twelve months ending September 30, 1975. CLECO states further that the information being developed through this cost of service study is required, inter alia, for preparation and justification of a fuel clause conforming to Order No. 517.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 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.76-883 Filed 1-12-76;8:45 am]

[Docket No. RP73-65 (PGA76-2a)]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 2, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 19, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that this filing amends its filing of December 1, 1975, while preserving the effective date of January 15, 1976, proposed therein. Columbia states that the proposed changes are the result of the following:

(1) Tennessee Gas Pipeline Company's Revised Filing at Docket No. RP73-113 to be effective January 15, 1976.

(2) Transcontinental Gas Pipe Line Corporation's Filing at Docket No. RP72-99 to be effective January 1, 1976, and,

(3) Panhandle Eastern Pipe Line Company's Revised Filing at Docket No. RP75-102, effective December 1, 1975.

As a result of the above revisions, Columbia's revised rates herein proposed to become effective January 15, 1976, reflect a current Purchased Gas Cost Adjustment to provide for the recovery of $41,758,063 annually and are approximately $1,441,489 lower than the rates originally proposed to become effective January 15, 1976.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.76-888 Filed 1-12-76;8:45 am]

[Docket No. ER76-320]

THE CONNECTICUT LIGHT & POWER CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets and Establishing Procedure

DECEMBER 31, 1975.

On December 2, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing an amended tariff, R-3 Rate, to its FPC Rate Schedule No. 32.7.[1] The R-3 Rate revises the present rates under which CL&P provides firm wholesale electric service to six municipal customers and to one privately owned system.[2] CL&P states that the reasons for this proposal include the adjustment of demand charges for the anticipated commercial operation in December 1975, of a new nuclear generating unit, Millstone No. 2, and revision of demand and energy charges to show higher depreciation rates and accounting changes relating to the interperiod allocation of income taxes. The proposal also revises certain provisions of the present tariff. In addition to these changes, CL&P has filed a revised fuel adjustment clause to conform to the provisions of 18 CFR 35.14 (1975), as promulgated in Order No. 517.

CL&P's proposal would result in an increase of 20.4% in revenue, or approximately $5,164,593 in additional revenues, for the twelve month period ending December 31, 1976. CL&P requests an effective date of January 1, 1976, for its proposed changes.

Public notice of CL&P's proposal was issued on December 10, 1975, with comments, protests or petitions to intervene due on or before December 22, 1975. A protest was filed on December 22, 1975, by Congressman Christopher J. Dodd. Congressman Dodd requested a full five month suspension for CL&P's proposed rates and protested the proposed rates on the basis that the increase sought is tentative because it assumes Millstone No. 2 will lead to lower production costs; that the rate design restricts CL&P's customers rights to purchase power from other sources; and, that CL&P has experienced a tremendous increase in average profits since 1970. We have considered the points raised by Congressman Dodd's protest in making our decision to suspend CL&P's rates for two months.

Our review of CL&P's tendered filings and the issues raised thein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. We accept the tendered filings, but shall suspend their use for two months, or until March 2, 1976, when they shall become effective, subject to refund.

Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, the parties and Staff should present evidence addressed to reduction of rate base by the amount of accumulated provision for deferred Federal income taxes (Account 281), functionalization of general plant, common plant, and administrative and general expenses on functional plant ratios and allocated operation and maintenance expenses; separation of transmission functions into various subfunctions reflecting voltage in service levels for allocation purposes; and, those issues raised by Congressman Dodd's protest.

The Commission finds: Good cause exists to accept CL&P's proposal for filing and suspend its operations until March 2, 1976, when it will be permitted to become effective, subject to refund.

The Commission orders: (A) Pending hearing and decision on the lawfulness of the increased charges proposed, CL&P's amendments are hereby accepted for filing and suspended until March 2, 1976, when they will be permitted to become effective, subject to refund.

(B) 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 28, 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.

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[1] CL&P's tender included First Revised Sheets Nos. 1, 3, 4, 6, 8, 10, 11, 12, 13, 17, 22, 23, 27, 32, and 33 plus Original Sheet No. 11A.

[2] City of Norwich; Borough of Jewett City; Second Taxing District, City of Norwalk; Third Taxing District; City of Norwalk; Town of Wallingford, City of Groton; and, Bozrah Light and Power Company.

(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 Section 1.18 of the Commission's Rules of Practice and Procedure.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-925 Filed 1-12-76;8:45 am]

[Docket No. ER76-334]

CONNECTICUT LIGHT & 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 (WME CO) (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 transmission 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 $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 PTS 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 Section 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 AND POWER COMPANY

[Docket No. ER 76-334]

Dated: October 1, 1975.
Filed: December 5, 1975.
Other Party: City of Holyoke Gas and Electric Department.

Designation	*Description*
Supplement 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.76-916 Filed 1-12-76; 8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Further Extension of Procedural Dates

JANUARY 2, 1976.

On December 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued October 23, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby goven that the procedural dates in the above proceeding are modified as follows:

PHASE I

Service of Staff's Testimony, February 13, 1976
Service of Intervenor Testimony, February 27, 1976
Service of Company Rebuttal, March 12, 1976
Hearing, March 30, 1976 (10 a.m., EST)

PHASE II

Service of Staff's Testimony, February 24, 1976
Service of Company Testimony, March 23, 1976
Service of Intervenor Rebuttal Testimony, April 13, 1976
Hearing, April 27, 1976 (10 a.m., EST)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-905 Filed 1-12-76;8:45 am]

[1] *See* Appendix A for rate schedule designations of the proposed amendment.

[Docket Nos. RP71-15 and RP75-28 (PGA 76-1) (DCA 76-1)]

EAST TENNESSEE NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, and Rejecting Alternate Tariff Sheet

DECEMBER 31, 1975.

On November 14, 1975, as amended on December 18, 1975, East Tennessee Natural Gas Company (East Tennessee) filed in the above-referenced dockets a revised tariff sheet[1] incorporating proposed rate adjustments consisting of (1) a PGA increase of 3.68 cents per Mcf ($2.1 million) and (2) an increase of 2.26 cents per Mcf to recover $1.6 million of accumulated and deferred curtailment credits. East Tennessee requests the proposed rate adjustments be permitted to become effective on January 1, 1976.

Notice of East Tennessee's filing was issued on December 2, 1975, providing for petitions to intervene or protest to be filed on or before December 15, 1975.

On December 8, 1975, the Public Service Commission of the State of Tennessee filed a notice of intervention and request for suspension and hearing to determine the justness and reasonableness of the PGA portion of East Tennessee's proposed rate adjustment. The Tennessee Commission alleges, in substance, that it has been East Tennessee's practice to retain for itself demand charge credits which it receives from its supplier, Tennessee Gas Pipeline Company, but to pass through to its customers the resulting increase in East Tennessee's purchased gas commodity rate.

On December 22, 1975, East Tennessee filed an answer and objections to the Tennessee Commission's intervention and request for hearing. East Tennessee does not deny that it has retained the disputed demand charge credits, but argues that such retention served to offset other cost increases, and thereby enabled East Tennessee to delay the filing of its general rate increase application currently pending in Docket No. RP 75-114.

Based on the above circumstances it is clear that East Tennessee's proposed rate adjustment may be unjust, unreasonable or otherwise unlawful. Accordingly, the proposed increase will be suspended and set for hearing.

In its filing of November 14, 1975, East Tennessee included an alternate tariff sheet which contained minor downward adjustments reflecting the exclusion of certain small producer costs. However, since the question here at issue concerning East Tennessee's treatment of demand charge credits is equally applicable to the alternate tariff sheet, such sheet is also subject to suspension. The alternate sheet is therefore superfluous in this instance and will be rejected.

[1] Second Substitute Thirteenth Revised Sheet No. 4 to East Tennessee's FPC Gas Tariff, Sixth Revised Volume No. 1.

The Commission orders: (A) East Tennessee's proposed Second Substitute Thirteenth Revised Tariff Sheet No. 4, as filed on November 14, 1975, and as amended on December 18, 1975, is accepted for filing, suspended for one day, and permitted to become effective thereafter on January 2, 1976, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing shall be held to determine the justness and reasonableness of the rate adjustments proposed herein by East Tennessee.

(C) East Tennessee's proposed alternate tariff sheet, Substitute Thirteenth Revised Sheet No. 4, is rejected.

(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, with authority to establish and change all procedural dates, and to rule on all matters except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(E) An initial conference shall be held on January 28, 1976, for the purpose of establishing procedures for the conduct of the hearing in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-917 Filed 1-12-76;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS COMPANY (CITY OF SAFFORD, ARIZONA)

Request for Waiver of Effective Interim Curtailment Procedures

JANUARY 2, 1976.

Take notice that on December 23, 1975, El Paso Natural Gas Company (El Paso) filed a request for temporary waiver of its interim curtailment plan to permit it to render emergency service to the City of Safford, Arizona (Safford) for a ten to fifteen day period commencing on or about February 9, 1976. El Paso states that Safford requests such emergency service during its installation of new equipment upgrading an electric substation. For that purpose, Safford requires 405 Mcf per day to operate four gas engine driven generators up to a total maximum quantity of 6075 Mcf (15 days x 405 Mcf).

It is proposed that Safford would reduce its Priority 3 entitlements under El Paso's currently effective interim curtailment plan and would thus accumulate or bank sufficient quantities of gas for subsequent needs during the emergency period of its shutdown.

El Paso requests immediate temporary waiver, to the extent necessary, of El Paso's effective interim curtailment plan and in particular Section 11.3 Curtailment Procedures, of its FPC Gas Tariff, Original Volume No. 1, in order that it may commence additional curtailment of Safford and the subsequent redelivery of those volumes to Safford during the modification of its substation.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-900 Filed 1-12-76;8:45 am]

[Docket No. ER76-211]

FLORIDA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Motions To Reject, Granting Intervention, Providing for Hearing and Establishing Procedures

DECEMBER 31, 1975.

On October 31, 1975, Florida Power and Light Company (FP&L) tendered for filing a proposed increase in rates[1] for electric service to nine wholesale customers[2] under its FPC Electric Tariff. The proposed rates would increase revenues by $7,180,559 (19.48%), based on the 12 month period ending December 31, 1976. FP&L requests that the proposed rate change be permitted to become effective as of January 1, 1976.

FP&L states that the proposed rates are designed to permit it the opportunity of earning a rate of return more nearly appropriate to that required for it to attract necessary capital for its con-

[1] Designated: Second Revised Sheet No. 5, Third Revised Sheet No. 6, First Revised Sheet No. 7, and Second Revised Sheet No. 8 to FPC Electric Tariff, Original Volume No. 1.

[2] City of Homestead, City of New Smyrna Beach, Florida Keys Electric Cooperative, Inc., Suwannee Valley Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Okefenoke Rural Electric Membership Corporation, Glades Electric Cooperative, Inc., Peace River Electric Cooperative, Inc. and Clay Electric Cooperative, Inc.

struction program if it is to continue to provide adequate service to its customers. The proposed rates include a fuel adjustment clause designed to conform with Order No. 517 in Docket No. R–479.

Public notice of the subject filing was issued on November 13, 1975, with protests or petitions to intervene due on or before November 21, 1975.

On November 21, 1975, New Smyrna Beach and Homestead (Municipals) jointly filed a protest, petition to intervene and motion to reject. As grounds for rejection Municipals argue that (1) as partial requirements customers they have been improperly included in the same class of service as FP&L's full requirements customers and (2) FP&L seeks to impose a 100 percent billing demand ratchet that is allegedly oppressive, discriminatory and illegal. We find that good cause has not been shown such as to warrant rejection. Although not properly grounds for rejection, questions such as these should be addressed in the context of an evidentiary hearing, as hereinafter ordered. Accordingly, Municipals' motion to reject shall be denied.

On November 21, 1975, six [3] of the rural electric cooperative customers together with Seminole Electric Cooperative, Inc.[4] (Cooperatives) jointly filed a protest, petition to intervene and motion to reject. In support of its motion to Cooperatives contend that FP&L has not complied with the filing requirements of the Commission's Regulations inasmuch as the coincidental demand data submitted by FP&L is not broken down by individual customer delivery point. We find that FP&L's filing substantially complies with our filing requirements. Accordingly, Cooperatives' motion to reject shall be denied.

Both Municipals and Cooperatives request that in the event the Commission does not reject FP&L's filing, the Commission should suspend the proposed rates for the full statutory five months.

On December 8, 1975, FP&L filed answers to the pleading of Municipals and Cooperatives.

Our review indicates that the proposed rates filed by FP&L herein have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept for filing the proposed rate change, suspend it for three months and establish hearing procedures.

Municipals and Cooperatives have raised in their pleadings various issues which require further development in an evidentiary proceeding such as that established herein. Furthermore, our independent review reveals certain issues that should be addressed in this proceeding. Accordingly, 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 to the following areas of potential dispute: (1) FP&L's claimed rate of return, (2) inclusion of nuclear fuel in the rate base, (3) use of an end-of-year rate base, (4) functionalization and allocation of transmission plant, (5) use of a single peak method for allocation of demand related power supply costs, (6) inclusion in O&M expense of estimated bank service charges, (7) inclusion in cost of service of an alleged income tax contingency, (8) the method of calculating the allowance for funds used during construction, (9) income tax normalization, (10) the proposed billing demand ratchets, (11) the appropriate wholesale rate class or classes, (12) reduction of rate base by the amount of accumulated provision for deferred Federal income taxes, (13) a transmission discount for service at or above 69 Kilovolts, (14) the reactive demand charge, and (15) the "Limitation of Service" clause.

While noting that the Commission contests its authority to consider "price squeeze" allegations, Municipals seek to raise that issue here so as to preserve their rights. With respect to the "price squeeze" issue, we note that the U.S. Court of Appeals has stayed its mandate in Conway Corp. v. FPC, 510 F. 2d 1264 (1975), pending appeal by the Commission.[5] Accordingly, we shall limit this proceeding so as to exclude consideration of the "price squeeze" issue. Municipals may however renew its request for consideration of this issue when and if the Conway decision becomes final.

We note that by Commission order issued March 29, 1973, in FP&L's prior rate increase proceeding in Docket No. E–8008, FP&L was ordered to timely file executed or unexecuted service agreements under its FPC Electric Tariff upon the expiration of the contract terms for certain of the wholesale customers with fixed rate contracts. Our review indicates that FP&L has not filed the appropriate service agreements with Florida Keys, Peace River and Suwannee Valley even though FP&L has apparently been collecting the tariff rate from these customers. Accordingly, we shall require FP&L to file such service agreements within 15 days of the issuance of this order. Under The Federal Power Act, no utility may without waiver, change its rates without notice of a change in rates filed with this Commission 30 days prior to such change. We shall take such action as may be appropriate upon the filing of the new service agreements.

The Commission finds. (1) Good cause exists to accept for filing the prpoosed rate change tendered by FP&L on October 31, 1975, and to suspend the proposed rates for three months until April 1, 1976, when they shall become effective, subject to refund.

(2) 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 lawfulness of FP&L's FPC Electric Tariff as proposed to be revised herein.

(3) Good cause does not exist to grant Municipals' and Cooperatives' motions to reject FP&L's filing.

(4) Good cause exists to allow Municipals and Cooperatives to intervene in this proceeding.

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 Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in FP&L's FPC Electric Tariff, Original Volume No. 1 as proposed to be revised by the subject filing.

(B) Pending a hearing and a decision thereon, FP&L's proposed rate change contained in the revised tariff sheets tendered on October 31, 1975, are hereby accepted for filing and suspended for three months, to become effective on April 1, 1976, subject to refund.

(C) FP&L shall file within fifteen (15) days of the issuance of this order its service agreements with Florida Keys, Peace River and Suwannee Valley.

(D) Municipals' and Cooperatives' motions to reject are hereby denied.

(E) Municipals and Cooperatives are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 13 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.

(G) The Presiding Administrative Law Judge shall preside at a prehearing conference in this proceeding to be held on February 4, 1976, at 9:30 a.m., at the offices of Federal Power Commission, 825 North Capitol Street, N.E., 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).

(H) 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 Section 1.18 of the Commission's Rules of Practice and Procedure.

[3] All of the cooperatives listed in footnote 2 with the exception of Florida Keys Electric Cooperative, Inc.

[4] Seminole, a cooperative membership corporation which is owned and controlled by the six cooperative petitioners and other Florida cooperatives, was organized to obtain power supply for its member distribution cooperatives.

[5] Certiorari granted ——U.S. ——(1975); 44 U.S.L.W. 3270.

(I) 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.76-918 Filed 1-12-76;8:45 am]

[Docket No. CI76-291]

FRANK W. CASS & WALTER H. STEPHENS

Application

DECEMBER 30, 1975.

Take notice that on December 4, 1975, Frank W. Cass and Walter H. Stephens (Applicants), 2001 Bryan Tower, Suite 2929, Dallas, Texas 75201, filed in Docket No. CI76-291 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sales of natural gas to Allied Chemical Corporation (Allied) for resale from the Bird "E" Lease, L&SVRR Co. Survey, Reagan County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that the proposed abandonment would be applicable only to that portion of the residue gas sold by Allied from its Benedum Plant that is allocable to casinghead gas purchased by Allied from Applicants' Bird "E" Lease. Applicants state that pursuant to a gas contract agreement dated July 6, 1951, Applicants sell casinghead gas to Allied; and Allied pays to Applicant 70 percent of the net proceeds from the resale of high pressure gas and 50 percent of the net proceeds of low pressure gas, less certain costs (boosting, dehydration, and others). Applicants further state that in the last 16 months the net revenue after taxes and royalty has been $48.59 for 431 Mcf of residue gas sold. It is alleged that at the price received by Applicants, it would be an economic hardship for Applicants to furnish abstracts of title showing good and merchantable title to Allied; and without such abstracts, Allied can and has refused to pay Applicants for the sale of residue gas.

Applicants further note that the gas sales contract provides for a primary term of ten years and that either party may terminate after that time. Applicants further note that the contract provides that in the event the subject lease is farmed out, the farmee or lease purchaser has the option within 90 days to cancel the gas sales contract. Applicants allege that they have conformed with the latter provision and that Allied has refused to acknowledge their notice of cancellation.

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). 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-910 Filed 1-12-76;8:45 am]

[Docket No. CS72-680]

F. E. GOULD

Redesignation

JANUARY 2, 1976.

On November 2, 1974, F. E. Gould died, The ownership of gas interests passed by survivorship to Norma S. Gould, who is setting up a self-trusteed trust to hold her gas interests.

Notice is hereby given that the small producer certificate issued to the deceased in Docket No. CS72-680 is cancelled, effective as of November 2, 1974. The small producer certificate issued in Docket No. CS72-679 is amended from Norma S. Gould to Norma S. Gould, trustee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-906 Filed 1-12-76;8:45 am]

[Docket No. ER76-380]

GULF STATES UTILITIES CO.

Filing of Fuel Adjustment Clause

JANUARY 6, 1976.

Take notice that Gulf States Utilities Company (Gulf States) tendered for filing on December 22, 1975 a proposed fuel adjustment clause to conform to the provisions of Order No. 517. Gulf States requests the Commission to permit the fuel clause to become effective at the earliest date that would conform to the Commission's rules.

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 Section 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.76-885 Filed 1-12-76;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Substitute Changes in Rates

DECEMBER 30, 1975.

Take notice that on December 22, 1975, Granite State Gas Transmission, Inc. (Granite State) tendered for filing ten (10) copies of Alternate Sustitute Ninth Revision Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, pursuant to Part 154 of the Commission's Regulations and pursuant to the Commission's order issued herein on December 15, 1975. Granite State proposes that the revised rates contained on Alternate Substitute Ninth Revised Sheet No. 3A become effective on December 1, 1975. The annual effect of the proposed rate increase is approximately $216,500 in Granite State's jurisdictional revenues based on sales and costs for the 12 months ended January 31, 1975, as adjusted, according to Granite State.

This Alternate Substitute Ninth Revised Sheet No. 3A is filed in substitution for the rates contained in Granite State's November 18, 1975, filing herein by which Granite State tendered Substitute Ninth Revised Sheet No. 3A to the Commission. By Order Rejecting Substitute Tariff Sheets Without Prejudice issued herein on December 15, 1975, the Commission rejected Granite State's November 18, 1975, filing without prejudice to Granite State's right to refile, within ten days of the date of issuance of that order, a revised tariff sheet based on Granite State's claimed cost of service in its filing of May 30, 1975, and the revised method of cost classification and rate design reflected in Granite State's November 18, 1975, filing. According to Granite State, the instant filing is made in light of the Commission's instructions in its December 15, 1975 order and is intended to cure the defect specified therein.

The Company states that the instant filing adjusts the proposed rates contained in the November 18, 1975, filing so as to correspond with the jurisdictional cost of service contained in Granite State's May 30, 1975, filing. Specifically, Granite State declares that the

jurisdictional cost of service was reduced by $1,537 from the figure included in the November 18, 1975, filing of $4,764,883 to $4,763,346. The $1,537 was deducted from the demand portion exclusively in order to fully comport with the allocation method promulgated in Opinion Nos. 671 and 671–A. Rates were then designed in precisely the same fashion as they were in the November 18, 1975, filing based on the cost of service indicated as proper in the Commission's December 15, 1975, order, according to Granite State.

Granite State specifically requests waiver of the Commission's notice requirements, Section 154.22 of the Regulations and further waiver of Commission Regulations necessary to place Alternate Substitute Ninth Revised Sheet No. 3A into effect as of December 1, 1975, in accordance with the conditions of the Commission's December 15, 1975, order herein.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-911 Filed 1-12-76;8:45 am]

[Docket No. ER76-376]

IDAHO POWER CO.

Cancellation

JANUARY 2, 1976.

Take notice that on December 19, 1975, Idaho Power Company tendered for filing a notice of cancellation of the Agreement between Idaho Power and Wells Rural Electric Company, dated March 17, 1960 (Rate Schedule FPC No. 31), as amended September 11, 1971 (Supplement No. 2 to Rate Schedule FPC No. 31).

The Company states that by letter dated March 3, 1971, Wells Rural Electric Company notified Idaho Power Company that the agreement between the parties would be terminated as of December 31, 1975. Wells Rural stated the reason for the termination was because of the opportunity to obtain power at wholesale from Bonneville Power Administration at a rate lower than such power was available from Idaho Power Company.

The Company states that notice of the proposed cancellation has been served on Wells Rural Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.75-890 Filed 1-12-76;8:45 am]

[Docket No. ER76-206]

IOWA ELECTRIC LIGHT & POWER CO.

Order Accepting in Part and Suspending in Part Proposed Rate Increase, Denying in Part and Granting in Part Motion To Reject, Granting Interventions, and Establishing Procedures

DECEMBER 31, 1975.

On October 31, 1975, Iowa Electric Light and Power Company (Iowa) tendered for filing proposed changes to its Rate Schedules RES–1, for twelve municipal customers receiving partial requirements service,[1] and RES–2, for fourteen municipal customers,[2] Farmers Electric Cooperative of Kalona, and the Amana Society Service Company, for full requirements service, contained within its FPC Electric Service Tariff, Original Volume No. 1. Iowa states that the proposed changes would increase revenues from expected jurisdictional sales by $1,428,672 for the 12-month period ending June 30, 1976. Iowa requests that the proposed rates be allowed to become effective January 1, 1976.

Iowa states that the reasons for the requested jurisdictional rate increase are higher costs of capital, wages, property and payroll taxes, fixed costs associated with the placing in service of generating facilities necessary to meet its customers' requirements, and the need to provide a reasonabl return to Iowa and its investors.

Notice of this proposed rate increase was issued November 7, 1975, with comments, protests, petitions to intervene due on or before November 24, 1975. By notice issued November 24, 1975, the Secretary extended this date to December 5, 1975.

On November 28, 1975, and December 8, 1975, the Iowa Defense Group (IDG), consisting of all the customers proposed to be served under RES–1 and RES–2, filed a motion to reject, protest and petition to intervene which, inter alia, asserted that Iowa's rate application to the customers should be rejected under the Mobile-Sierra[3] doctrine because they have fixed rate contracts, for failure to comply with Order No. 537[4] in not submitting required rate design information, for failure to conform to Section 35.13 (b)(4)(iii) of the Commission's Regulations in that Period II was not a valid estimated test year. IDG requests that Iowa's wholesale rate increase be rejected, or in the alternative summarily dismissed, as being discriminatory in contravention of Section 205(b) in that if the rate increase was granted, Iowa's return from its jurisdictional customers would be higher than the return from total company operations for Period II as shown in Iowa's tender. In the alternative, IDG requested a five month suspension, intervention, and the holding of a hearing.

The U.S. Court of Appeals has stated that: "the rule of Sierra, Mobile and Memphis[5] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid."[6]

Iowa's service agreements with the Cities of Sibley (dated March 4, 1965) and Marathon, Iowa (dated May 16, 1961) on file with the Commission are fixed rate within the meaning of the Mobile-Sierra doctrine and we will therefore reject Iowa's proposed rate increase to those Cities. The service agreement with Sibley, Iowa FPC Rate Schedule No. 28, provides for a rate to be charged for energy of 1.1¢ per KWh, and the service agreement continues in effect from year to year unless terminated by either party giving 36 months' written notice. The service agreement with Marathon, Iowa FPC Rate Schedule No. 21, provides for a monthly demand charge of $2.00 per KW and an energy charge of .85¢ per KWh, contains a fuel clause; and the service agreement continues in force from month to month until either party gives 90 days written notice to the other.

Iowa's service agreements with the Cities of Tipton (dated June 7, 1965), and Ellsworth, Iowa (dated November 20, 1964) on file with the Commission contain the following language with respect to the Mobile-Sierra issue:

"It is further understood and agreed that if a different rate applicable to the class of service furnished under this agreement, is legally established by any regulatory body having jurisdiction, such

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[1] Cities of Grand Junction, Hopkinton, Maquoketa, Preston, Sibley, State Center, Story City, Tipton, Traer, Vinton, West Liberty, Whittemore, all situated in Iowa.

[2] Cities of Burt, Corwith, Dike, Dysart, Earlville, Eldridge, Ellsworth, Kelley, Long Grove, Marathon, Panora, Paton, Roland, Stanhope, all situated in Iowa.

[3] United Gas Pipe Line Company v. Mobile Gas Service Corporation, 350 U.S. 322 (1956); Federal Power Commission v. Sierra Pacific Power Company 350 U.S. 348 (1956).

[4] Issued October 9, 1975, in RM74–20

[5] United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[6] Richmond Power and Light Company v. F.P.C., 481 F. 2d 490, 493 (USCA–D.C. Cir. 1973).

rate shall be substituted for that provided herein."

We believe that the parties did not intend in their service agreements as reflected in the quoted language that Iowa could increase its rates by a Section 205 unilateral filing, nor did the parties intend that the service would be under a fixed rate. Rather, they allowed for an increase in rates by order issued by the regulatory body having jurisdiction, which is this Commission. This Commission effects rate increases by order only pursuant to Section 206(a) of the Federal Power Act.

However, the service agreements with the remainder of the IDG customers with the exception of the Cities of State Center and Vinton, Iowa, on file with the Commission contain the following language:

"*Article IV—Prices.*—Company agrees to sell and customer agrees to purchase electric service hereunder at the rates contained in Company's Rate Schedule RES–1 [or RES–2], as filed with the Federal Power Commission.

"This Agreement in all respects shall be and remain subject to the applicable provision of said Rate Schedule RES–1 [or RES–2] and any lawful amendments or supplements of said Rate Schedule.

"*Article VIII—Miscellaneous.* — This Agreement shall at all times be subject to such changes or modifications by the Federal Power Commission, as said Commission may, from time to time, direct in the exercise of its jurisdiction."

We believe that this language is comparable to that contained in United Gas Pipe Line's service agreements which the Supreme Court decided contemplated a unilateral change in rates pursuant to a filing under Section 4 of the Natural Gas Act by United in United Gas Pipe Line Company v. Memphis Light, Gas and Waters Division, 358 U.S. 103 (1958). That language is as follows:

"All gas delivered hereunder shall be paid for by Buyer under Seller's Rate Schedule the appropriate rate schedule designation is inserted here, or any effective superseding rate schedules, on file with the Federal Power Commission. This agreement in all respects shall be subject to the applicable provisions of such rate schedules and to the General Terms and Conditions attached thereto and filed with the Federal Power Commission which are by reference made a part hereof Emphasis the Court's. 358 U.S. at 105."

In distinguishing this Memphis language from the fixed rate fixed term language of Mobile-Sierra the Court, noting that United in Mobile had bound itself to sell gas to Mobile for a fixed price for the term of the contract, stated:

"The United contract now before us, as construed by the Federal Power Commission and as viewed by the Court of Appeals for the purposes of decision, is vitally different from that in Mobile. On this view of the contract United bound itself to furnish gas to these customers during the life of the agreements not at a single fixed rate, as in Mobile, but at what in effect amounted to its current 'going' rate. Contractually, this left United free to change its rates from time to time, subject, of course, to the procedures and limitations of the Natural Gas Act. In such circumstances there is nothing in Mobile which suggests that United was not entitled to file its new schedules under Section 4(d), or that the Commission has no jurisdiction to consider them under Section 4(e). 358 U.S. at 110."

This is exactly the effect of the language in Article IV of the service agreements relating to prices recited above.

Our review of the proposed rates and accompanying cost support indicates that the rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, except as to the Cities of Shibley and Marathon, *supra*, and State Center and Vinton, infra, we shall accept the proposed rate increase for filing and suspend its use for two months, when it will be permitted to become effective, subject to refund.

Iowa's service agreements with the Cities of State Center and Vinton, Iowa are not on file with this Commission and therefore the Commission is unable to rule at this time on the Mobile-Sierra issue with respect to these customers. We will not assign a filing date to Iowa's tender with respect to these customers pending Iowa's furnishing the current service agreements and rates applicable to these customers. Illinois Power Company, Docket No. E–9520, order issued October 29, 1975, and letter order issued September 2, 1975.

Iowa's rate application was tendered before the effective date of the changes in the Commission's Regulations made by Order No. 537 (mimeo p. 9), which, inter alia, added Statement P to Section 35.13 (b)(4)(iii) requiring the submittal of rate design information with rate increase applications, and therefore rejection of Iowa's submittal for failure to comply with those changes is not warranted. We do not believe summary disposition of a rate increase application is warranted on the basis of the allegation that the return requested for jurisdictional service is estimated to exceed the return for total company operations during Period II. The question of Period II as a valid estimated test year is properly a matter to be raised in the evidentiary hearing infra.

On December 5, 1975, the Amana Refrigerator Company, Inc. timely filed a protest, petition to intervene, and request for a hearing and suspension. The City of Burt, Iowa timely filed a petition to intervene and the Iowa State Commerce Commission timely filed a Notice of Intervention. We will grant intervention to the above parties.

Protests were received from the Cities of Eldridge, West Liberty, Story City, Kelley, Whittemore, Traer, Panora, Ellsworth, Dysart, Roland, Corwith, Stanhope, Marathon; Eldridge Cooperative Company; Farmers Electric Cooperative; and North Scott Community School District.

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, to present such further evidence as they deem relevant and material, the parties and our Staff should address themselves to the following issues:

(1) The validity of Iowa's Period II estimates.

(2) Iowa's inclusion of $4,453,932 of average cash bank balances in working capital.

(3) Iowa's normalization of the tax effect of capitalized items such as interest during construction.

(4) Iowa's functionalization of certain general plant, common plant, and administrative and general expenses on functional plant ratios.

(5) Iowa's reduction of rate base by amounts included in Account 281.

(6) Iowa's allocation of demand related costs on the basis of weighted monthly coincidental peak demands.

(7) Iowa's reduction of current year income tax liability by a portion of 1974 operation losses.

(8) The appropriate base cost of fuel in Iowa's proposed fuel adjustment clauses.

(9) The appropriate investment associated with the Duane Arnold Energy Center nuclear plant to be included in Iowa's rate base.

(10) The appropriate depreciation rate for the investment in the Duane Arnold Energy Center.

(11) Iowa's proposed rate design.

(12) Iowa's proposed rate of return on common equity of 11.88 percent and overall rate of return of 8.96 percent.

The Commission finds. (1) Good cause exists to reject Iowa's proposed rate increase to the Cities of Sibley and Marathon, Iowa being barred by the Mobile-Sierra doctrine.

(2) Good cause exists to not assign a filing date to Iowa's proposed rate increase to the Cities of State Center and Vinton, Iowa until receipt of Iowa's current service agreements and applicable rates and to defer ruling of IDG's motion to reject under Mobile-Sierra pending receipt thereof.

(3) 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 Iowa's proposed rate increase as filed herein, except as provided in (1) and (2) above, and that such increases be accepted for filing and suspended for two months as hereinafter ordered.

(4) Good cause exists to deny the remainder of IDG's motion to reject.

(5) The participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders. (A) Iowa's proposed rate increase to the Cities of Sibley and Marathon, Iowa is rejected.

(B) Iowa's proposed rate increase to the Cities of State Center and Vinton, Iowa is not assigned a filing date until

receipt of Iowa's current service agreements and applicable rates, which Iowa shall file forthwith.

(C) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, the Commission's Rules of Practice and Procedure, 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, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Iowa's proposed rate increase, except as ordered in (A) and (B) above.

(D) Pending hearing and decision as to the lawfulness of the increased rates proposed herein and except as ordered in (A) and (B) above, Iowa's proposed rate increase is accepted for filing and suspended for two months, when it will be permitted to become effective, subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at an initial conference in this proceeding at 9:30 a.m. on January 20, 1976. 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) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) Intervention is hereby granted to the above named petitioners, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that the petition might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(H) IDG's motion to reject is denied to the extent not granted supra.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-919 Filed 1-12-76;8:45 am]

[Docket No. ER76-367]

KANSAS GAS & ELECTRIC CO.

Filing of Rate Schedule Supplement

JANUARY 2, 1976.

Take notice that on December 15, 1975, Kansas Gas and Electric Company (KG&E) tendered for filing with the Commission Service Schedule J, Interim Power Service, dated November 25, 1975, as a supplement to the Agreement for Interchange of Power and Interconnected Operation between The Empire District Electric Company (EDE) and KG&E dated November 6, 1958, and designated FPC Rate Schedule No. 83. KG&E states that Service Schedule J provides for the supply of electric power and accompanying energy to KG&E by EDE as made available to EDE by the Public Service Company of Oklahoma's Riverside Unit No. 1. KG&E states further that Service Schedule J is to become effective as of November 25, 1975 and is to continue in full force and effect through May 31, 1977. Included in the filing was a Certificate of Concurrence executed on behalf of EDE.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.76-891 Filed 1-12-76;8:45 am]

[Docket No. ER76-366]

KANSAS GAS & ELECTRIC CO.

Filing of Rate Schedule Supplement

JANUARY 2, 1976.

Take notice that on December 15, 1975, Kansas Gas and Electric Company (KG&E) tendered for filing with the Commission Service Schedule I, Interim Power Service, dated September 5, 1975, as a supplement to the Electric Interconnection Contract between KG&E and The Kansas Power and Light Company (KP&L) dated July 19, 1962, and designated FPC Rate Schedule No. 93. KG&E states that Service Schedule I provides for the supply of electric power and accompanying energy to KP&L by KG&E as made available to KG&E by the Empire District Electric Company which is in turn to be supplied by the Public Service Company of Oklahoma's Riverside Unit No. 1. KG&E states further that Service Schedule I is to become effective as of September 5, 1975 and is to continue in full force and effect through May 31, 1977. Included in the filing was a Certificate of Concurrence on behalf of KP&L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.76-902 Filed 1-12-76;8:45 am]

[Docket No. CP76-195]

LONE STAR GAS COMPANY, A DIVISION OF ENSERCH CORP.

Application

DECEMBER 30, 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. CP76-195 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the miscellaneous rearrangements of various gas sales and transportation facilities during the calendar year 1976, and operation of said 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 Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which will not result in any material change in service.

The total cost of the proposed facilities would not exceed $300,000. Applicant proposes to finance the proposed facilities 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 23, 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 proceding or to paticipate 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.76-912 Filed 1-12-76;8:45 am]

[Docket Nos. RP71-16 and RP74-29 (PGA76-2; DCA76-1)]

MIDWESTERN GAS TRANSMISSION CO.

Filing Pursuant to Tariff Rate Adjustment Provisions

JANUARY 2, 1976.

Take notice that on December 15, 1975, Midwestern Gas Transmission Company (Midwestern) tendered for filing Twelfth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, proposed to be effective February 1, 1976. Midwestern states that the sole purpose of the revised tariff sheet is to reflect adjustments to its rates pursuant to rate adjustment provisions in Article XVII, XVIII, and XIX of the General Terms and Conditions of its tariff.

Midwestern states that as to the Southern System, Twelfth Revised Sheet No. 5 reflects (1) a Current Purchased Gas Cost Rate Adjustment pursuant to Section 2 of Article XVII which is based on rate changes filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) on December 15, 1975, in Docket No. RP75-113 and (2) a revised Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Southern System of a negative 0.97 cents per Mcf pursuant to Section 3 of Article XVII. Midwestern states that the calculation of the Surcharge is based on the balance in the account as of October 31, 1975, three months prior to the effective date of adjustment as specified by Section 3.4 of Article XVII. According to Midwestern, the revised tariff sheet also reflects a Current Rate Adjustment of 1.79 cents per Mcf to reflect curtailment demand charge credits applicable to the Southern System pursuant to Section 9 of Article XIX.

Midwestern states that as to the Northern System, Twelfth Revised Sheet No. 5 reflects a revised Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Northern System of a negative 3.32 cents per Mcf as specified in Section 3 of Article XVIII.

Midwestern 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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; 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.76-892 Filed 1-12-76;8:45 am]

[Docket No. E-9473]

MISSOURI UTILITIES CO.

Settlement Conference

JANUARY 2, 1976.

Take notice that on Tuesday, January 20, 1976, Staff is convening a settlement conference for the purpose of discussing the issues in the above captioned docket with a view toward settling this proceeding at 10:00 A.M., in Room 6200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-901 Filed 1-12-76;8:45 am]

[Docket No. RP74-100 (PGA76-2)]

NATIONAL FUEL GAS SUPPLY CORP.

Order on Rehearing and Granting Extension of Time

DECEMBER 31, 1975.

On November 13, 1975, National Fuel Gas Supply Corporation (National Fuel) filed herein a petition for rehearing and stay of the Commission's order issued in this docket on October 17, 1975. The October 17 order suspended and set for hearing National Fuel's proposed PGA rate adjustment because such adjustment was predicated, in part, upon purchases from small producers at rates in excess of those prescribed in Commission Opinion No. 742. The said order also made respondents to the proceeding those small producers with rate in excess of the level prescribed in Opinion 742, and required those small producers to submit on or before November 17, 1975, detailed cost data showing the cost of finding and producing gas from each project subject to the order. On November 17, 1975, one small producer, Carrol A. Weaver, did submit cost data in response to the order. Additional cost evidence was submitted on November 28, 1975, on behalf of Amarex, Inc.

In its petition for rehearing National Fuel states as follows:

"National has made efforts to contact the fourteen small producer respondents to determine their reaction to the order and the availability of cost data. Twelve of the fourteen small producers made respondents under the order have annual sales volumes ranging from 2,500 to 40,000 Mcf per year, with only two of the fourteen producers having sales in excess of 40,000 Mcf per year. National is informed and believes that only 50% of these enterprises are carried on in corporate form, and a number are operated as a source of a second income by individuals employed full time in other occupations. National is further informed and believes that few of the respondent small producers regularly maintain financial records in sufficient detail to produce the type of cost data specified by the order. National is further informed and believes that it is the position of certain of the respondent small producers that the expense of securing necessary legal and accounting services to comply with the provision of the order would be out of proportion to the volume of sales made by them.

* * * * *

"National is informed and believes that meaningful cost data for most of the small producers of the approximate size of the respondent producers in the instant docket is impossible to obtain on either an individual or a combined basis. Most of the individuals and small corporations involved just do not maintain this sort of data. Further, attempts to quantify these costs are not in the public interest, although it is very much in the public interest to maintain the flow of gas from these producers in the interstate market. In any event, no cost data of any kind can be assembled by the date set forth in the Commission order."

National Fuel further argues that the requirement for reporting of costs by small producers is inconsistent with the Commission's stated policy of reducing the small producer's expense and burdens relating to FPC regulatory matters.

In Opinion No. 742, issued on August 28, 1975, the Commission adopted a new section 157.40(i) of its regulations

under the Natural Gas Act. This section states as follows:

"(i) *Pipeline purchases.* If a pipeline company purchases gas from a producer who is selling such gas pursuant to a small producer certificate at a rate in excess of the just and reasonable rate established in subparagraph (c) above, then the pipeline purchaser must show that the rate paid to the small producer is just and reasonable before it may include any amount in excess of the just and reasonable rate in subparagraph (c) above in its cost of service. In determining whether the small producer's rate is just and reasonable in such a situation, the Commission will consider all relevant factors including (1) producer's costs, (2) the pipeline's need for gas, (3) the availability of other gas supplies, (4) the amount of gas dedicated under the contract, (5) the rates of other recent small producer sales previously approved for flow through and (6) comparison with appropriate market prices."

Based on a review of the facts and circumstances of this case, and the Commission's applicable regulations as noted above, we continue to believe that small producer cost evidence is relevant to a determination of the just and reasonable rate for the small producer sales at issue in this proceeding. Such evidence may be submitted either directly by the small producers or through National. National Fuel should use its best efforts to present complete evidence on producer costs. To the extent that evidence is not available for all producers National Fuel should offer proof as to the reasonableness of applying such cost evidence as it is able to adduce to all purchases here in question. We will render our final decision on the basis of all evidence and apply the costs to the extent shown to be reasonable. For other purchases, if any, we will apply the standard set forth in Opinion No. 742, i.e., a small producer rate not in excess of 130 percent of the applicable national or area rate will be presumed to be just and reasonable. Conversely any portion of such rate above the 130 percent stanadrd shall be deemed not to be just and reasonable and prospective reductions of such rates ordered.

In light of the above findings and for good cause shown in the petition for rehearing, National Fuel's request for an extension of procedural dates will be granted as set forth below.

The Commission orders: (A) The date for submission of small producer cost data is extended from November 17, 1975, to January 16, 1976. The date for serving of initial evidence by National Fuel and the respondent small producers is extended from December 1, 1975, to January 30, 1976. The date for serving of evidence of the Commission staff and any intervenors is extended to March 15, 1976. Any rebuttal evidence shall be served on or before April 16, 1976. Hearings shall commence on April 26, 1976.

(B) Except to the extent granted, National Fuel's petition for rehearing, stay and other ancillary relief is denied.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-920 Filed 1-12-76;8:45 am]

[Docket No. CP74-204]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Tariff Filing

JANUARY 5, 1976.

Take notice that on December 12, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing Rate Schedule X-61, Original Sheet Nos. 633 through 649, to be included in Natural's FPC Gas Tariff Second Revised Volume No. 2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-878 Filed 1-12-76;8:45 am]

[Docket Nos. CP75-224, CP76-61]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Tariff Filing

JANUARY 5, 1976.

Take notice that on December 12, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing Rate Schedule X-57, Original Sheet Nos. 578 through 604; Second Revised Sheet No. 327 canceling Rate Schedule X-41; and Rate Schedule X-60, Original Sheet Nos. 625 through 632. Natural states that these tariff sheets are to be included in its FPC Gas Tariff Second Revised Volume No. 2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 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.76-879 Filed 1-12-76;8:45 am]

[Docket Nos. ER76-304 and ER76-317]

NEW ENGLAND POWER CO.

Order Denying Motions To Reject, Accepting Proposed Tariff Sheets for Filing, Suspending Use Thereof, Consolidating Proceedings, Providing for Hearing, Granting Interventions and Establishing Procedures

DECEMBER 31, 1975.

On November 28, 1975, New England Power Company (NEPCO) tendered for filing proposed changes in its FPC Electrict Tariff, Original Volume No. 1, in Docket No. ER76-304.[1] The proposed tariff sheets constitute a new Rate R-10 which NEPCO requests be made effective January 1, 1976. NEPCO states that the change in its present Rate R-9 to be effected by these tariff sheets will, inter alia, increase the demand charge from $5.72 per kilowatt of demand to $6.43 per kilowatt and will increase the energy charge from 1.75 cents per kilowatt-hour to 1.78 cents per kilowatt-hour. The charge for sub-transmission service would also be increased from 5 cents per kilowatt of demand to 46 cents per kilowatt. The proposed rates would produce approximately $28,600,000 in additional revenues from 33-full requirement customers on the basis of the 12 month test period ending December 31, 1976 (Period II). These additional revenues represent an increase of approximately 6% over the presently effective rate. In its cost-of-service study supporting the proposed increases, NEPCO claims that it is entitled to a rate of return of 9.94% which includes a return of 14.60% on common equity.

NEPCO states that the rate increase proposed in Docket No. ER76-304 is necessary to provide the increased revenues needed to meet continually increasing operating expenses and to enable the company to raise capital on reasonable terms to provide future service to the consumer. NEPCO states further that it has been unable to earn a fair return for the past two years and that as result its financial integrity has been called into question to the detriment of both shareholders and consumers.

[1] NEPCO's proposed tariff sheets were designated Schedule II-A, Seventh Revised Page No. 1; Schedule II-A, Seventh Revised Page No. 2; Schedule II-B, First Revised Page No. 1; Schedule II-B, Original Page No. 2; and Schedule III-C, Second Revised Page No. 9.

On December 1, 1975, NEPCO tendered for filing in Docket No. ER76–317 further proposed changes in the company's FPC Electric Tariff, Original Volume No. 1.[2] The proposed tariff sheets constitute a new Rate R–10/CD for certain of NEPCO's Primary Service for Resale Customers that have opted for Contract Demand Service. NEPCO requests an effective date of January 1, 1976. The effect of the R–10/CD rate change would be to increase the annual revenues from the six customers presently receiving Contract Demand Service by approximately $764,300 based upon the calendar year 1976 as a test period. The changes in NEPCO's present R–9/CD rate to be effected by these tariff sheets will, inter alia, increase the demand charge for these customers from $6.22 per kilowatt of demand to $7.01 per kilowatt. The rate for deliveries at the sub-transmission level would be increased to 46 cents per kilowatt of demand. The energy charge would remain 1.4 cents per kilowatt-hour.

NEPCO states that the costs to be recovered by the R–10/CD rate in Docket No. ER76–317 are the costs contained in NEPCO's R–10 Period II cost of service filed in Docket No. ER76–304 which are allocable to the company's six Contract Demand customers on the basis of their R–10/CD demands. NEPCO therefore requests waiver of the requirements of Section 35.13(b)(4)(iii) of the Commission's Regulations Under The Federal Power Act, 18 CFR Section 35.13(b)(4)(iii). NEPCO also seeks a waiver of Section 35.13(b)(1) of our Regulations, 18 C.F.R. Section 35.13(b)(1), which requires that rate change filings include revenue comparison data for the twelve months preceding and following the proposed effective date of the changes. In support of its request NEPCO states that it has submitted revenue comparison data for the twelve months following the proposed effective date and that data for the twelve months preceding the proposed effective date would be exactly the same except for changes in the quantities of outside entitlements available to these customers under the NEPOOL Agreement. NEPCO claims that revenue changes which occur for this reason alone are not meaningful and that the requirement that revenue comparison data for the twelve months preceding the proposed effective date should therefore be waived.

On December 15, 1975, public notice of NEPCO's proposed tariff rate R–10 was issued with protests or interventions due on or before December 22, 1975. Notice of proposed tariff rate R–10/CD was issued on December 12, 1975, with comments, protests or petitions to intervene due on or before December 23, 1975.

A petition to intervene in Docket No. ER76–304 was filed by the Green Mountain Power Corporation (Green Mountain) on December 22, 1975. On that same day Congressman Michael J. Harrington filed his protest and petition to intervene in Docket No. ER76–304 in which he requested us to reject NEPCO's filing, or, in the alternative, suspend the filing for five months and order hearings on the proposed increases. Also filed in Docket No. ER76–304 on December 22 was a joint protest, petition to intervene and motion to reject by various customers of NEPCO (Customers).[3] On December 23, 1975 NEPCO filed a response to these filings. Our review of each of the petitions to intervene leads us to the conclusion that it would be in the public interest to allow each of these petitioners to intervene in this proceeding.

In support of his motion to reject, Congressman Harrington alleges that NEPCO and its parent, the New England Electric System (NEES), are having the best year in their history while the region NEPCO serves is experiencing an economic recession induced in part by NEPCO's rates. While it may be true that the financial position of NEPCO and NEES has improved, and while we are not unmindful of the economic difficulties being experienced by the Northeastern States, as well as by other regions of our country, we cannot at this time conclude on the basis of these allegations alone that NEPCO's proposed rate increase is completely unwarranted and must be rejected. Nor can we agree with Congressman Harrington that rejection of NEPCOs' filing is required by the fact that Commission proceeding on NEPCO's previous rate increase have not yet been concluded.

Congressman Harrington has also requested us to eliminate from NEPCO's cost-of-service all "excessive" regulatory expenses and legal fees. He states that by "excessive" he means "anything above the industry average as a percentage of total operating expenses." While regulatory expenses and legal fees are, like other elements of a company's cost of service, subject to review in a rate proceeding, we are not prepared at this time to adopt, or to reject, the test proposed by Congressman Harrington to determine whether any of NEPCO's regulatory expenses or legal fees are "excessive." Resolution of this issue is more properly dealt with on an evidentiary record at the hearing herein ordered.

In this connection Congressman Harrington also requests us "to formulate an administrative rule which would permit intervenors representing retail customers to recover their reasonable expenses from the company-fees which would be awarded at the discretion of the Commission and passed on to customers as an operating expense." We decline to formulate such a rule of general application in this proceeding. Not only is our authority to order such reimbursement questionable, but the wisdom of such a course is also a matter which requires further consideration.[4] Even if we assume that we have the power to award such fees we do not believe that Congressman Harrington has adequately alleged circumstances which would require us to award reimbursement to him for legal expenses incurred on behalf of himself and other NEPCO customers he purports to represent.[5] In this regard we note that a number of NEPCO's customers have already organized their opposition to NEPCO's proposed increase and have retained counsel to represent them. (Note 3, supra).

Customers have also moved us to reject NEPCO's filing in Docket No. ER76–304 for a number of reasons. Before discussing these objections we note that rejection of a filing is appropriate only in "the clear case of a filing that is either patently deficient in form or a substantive nullity." *Municipal Light Boards* v. *F.P.C.*, 450 F. 2d 1341, 1346 (1971). Customers allege first that NEPCO has failed "to comply with the spirit of the [Commission's] regulations" by indicating in Statement L its actual realized return during Period I rather than the overall return which would have been realized during Period I under Rate R–9, the rate which it proposes to supersede. In its response NEPCO argues that the Period I regulation calls for an "actual unadjusted" cost of service and that hence it was proper to use the actual return figure included in its Statement L. The narrow question before us is whether NEPCO's filing should be rejected. We are not convinced that NEPCO's filing is patently deficient in form or a substantive nullity thus requiring rejection.

Similarly, in Docket No. ER76–304 Customers seek rejection of NEPCO's filing for failure to comply with Sections 35.13(b)(4)(iii) and 35.13(b)(1) of our Regulations, 18 CFR 35.13(b)(4)(iii) and 35.13(b)(1), which require a full explanation of each estimate included in Period II and the inclusion in the filing of testimony and exhibits that would serve as NEPCO's case-in-chief. In particular customers alleged that NEPCO has failed to explain or support (1) its decision to cancel its Salem Harbor No. 5 generating station, to include the unamortized portion of that unit in rate base, to amortize the cost of that unit through cost of service; and tax treatment of amounts associated with the unit; (2) the effect of its decision to join with NEES and its affiliates in filing a

[2] These tariff sheets were designated Schedule II–CD, First Revised Page No. 1; Schedule II–CD, First Revised Page No. 2; and Schedule III–T–CD, First Revised Page No. 2.

[3] The members of this group include the NEPCO Customer Rate Committee; the Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Groveland, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield and West Boylston; Littleton, New Hampshire; the Manchester Electric Company; and the New Hampshire Electric Cooperative, Inc.

[4] See e.g., *Green County Planning Board* v. *F.P.C.* 455 F.2d 412, 427 (D.C. Cir. 1972).

[5] *Grace* v. *Ludwig*, 484 F. 2d 1262, 1267–1271 (2nd Cir. (1973)).

consolidated tax return; and (3) its inclusion as a cost item in its Period II cost of service of increased book depreciation rates. To buttress their allegations, Customers refer us to a filing by NEES in Securities and Exchange Commission Docket No. 57–561 wherein NEES purportedly states that projections such as the Period II projections at issue here were not necessarily prepared with reasonable care by qualified personnel under the supervision of management. NEPCO responds by arguing that the prepared testimony, exhibits and work papers of its witnesses adequately explain the company's Period II estimates and are in complicance with the cited Regulations. NEPCO further challenges Customers' interpretation of the NEES comments filed with the SEC. Again, we must reiterate that the question before us is a narrow one: is NEPCO's filing patently deficient in form or a substantive nullity thereby requiring rejection. We cannot conclude that rejection is required. That is not to say that NEPCO's filing is adequate to support the proposed increased rates. We take no position at this time on the adequacy of the testimony, exhibits and work papers to support the proposed rates. We find only that the filing should not be rejected. In reaching this decision we have carefully considered Customers arguments that NEPCO's alleged failure to comply with the Commission's regulations has in the past imposed considerable burdens upon intervenors and the Commission's Staff. We have concluded that NEPCO has in this case filed adequate Period II testimony, exhibits and work papers to avoid rejection.

Several other grounds are given by Customers for rejecting NEPCO's filing. We are told that the proposed increase in the sub-transmission charge is discriminatory and not cost supported. Similarly, we are told that the demand and energy metering loss adjustment is also discriminatory and not cost justified. Customers view these changes as nothing more than an attempt to revive the discriminatory practices condemned by the Commission in *Shrewsbury Municipal Light Dept.* v. *New England Power Company*, 32 FPC 370 (1964), *aff'd sub nom. New England Power Co.* v. *F.P.C.*, 349 F. 2d 258 (1st Cir. 1965). NEPCO responds by pointing to the fact that the increase in the sub-transmission charge is applicable to all customers receiving subtransmission service. NEPCO also cites testimony of one of its witnesses and the data contained in one of its exhibits. We conclude that there are issues of fact here which require resolution in an evidentiary hearing. Rejection of NEPCO's filing would be premature and unwarranted.

Nor can we reject NEPCO's filing simply because Customers have alleged that the proposed rate of return is "grossly excessive." The appropriateness, or inappropriateness of NEPCO's rate of return is a factual question which requires development in an evidentiary hearing. Rejection of NEPCO's filing would preclude such opportunity to consider the propriety of the proposed return.

Similarly, we will deny Customers motion to reject as unjustified on its face NEPCO's reduction of the credit applicable to those customers who by their own investment have provided the facilities necessary to receive high tension (69 or 115 Kv) service from NEPCO. In attacking NEPCO's filing, Customers have again challenged the testimony of NEPCO's witnesses and the exhibits prepared by them. By doing so, Customers have only emphasized the need for an evidentiary hearing to determine whether NEPCO's position has been adequately supported.

Finally, Customers have requested summary judgment on three issues. First, Customers allege that NEPCO cannot be permitted to include its Salem Unit No. 5 in rate base or to amortize the costs associated with Salem No. 5 through charges to cost of service. In a related argument, Customers challenge NEPCO's tax treatment of amounts connected with Salem No. 5. We conclude that summary judgment would be wholly inappropriate with respect to these issues. Summary judgment is reserved for those situations in which there are no issues as to material facts. In the instant case there remain numerous disputed issues of fact which must be resolved before it can be determined whether the rate base, cost of service and tax treatment accorded by NEPCO to amounts associated with Salem No. 5 are proper.

The second issue which Customers seek to have decided in their favor by means of summary judgment is whether NEPCO should be allowed to justify its rates through the use of normalized income taxes. To support their motion Customers point to their presentation in NEPCO proceedings in Docket Nos. E–8641, et al., involving Rate R–8 which was in effect during an earlier period. Again, we must deny summary judgment. The question of whether a company may use normalized income taxes in computing its cost of service must perforce be answered on a case by case basis on an evidentiary record.

Finally, Customers move for summary judgment on the issue of whether NEP CO should be allowed to include construction work in progress (CWIP) in rate base as an alternative justification for the proposed rates. Specifically, Customers request that testimony and exhibits which support the inclusion of CWIP be stricken. As support for their request Customers refer to our orders of August 5, 1975 and October 3, 1975 in *New England Power Company*, Docket Nos. E–9136, et al., appealed sub nom. *New England Power Company* v. *F.P.C.*, (1st Cir. No. 75–1379). In those orders we summarily dismissed portions of a proposed rate increase which reflected the inclusion of CWIP in rate base. Customers also argue that evaluation of the CWIP issue is more properly the subject of our rulemaking proceeding in Docket No. RM75–13. NEPCO responds by asserting that the proposed rate is not based upon CWIP and that the evidence offered by NEPCO's witnesses is an alternative justification for inclusion of CWIP which is offered in the event that the Commission in Docket RM75–13 permits the inclusion of CWIP prior to decision in the instant case. While we are sympathetic with the position taken by Customers, we have concluded that it is not necessary to rule on this question at this time. The inclusion of CWIP is an alternative basis for the proposed rates. In the instant case, unlike Docket Nos. E–9136, et al., the alternative basis for the rates was submitted with the original filing. Thus, were we to grant Customers motion for summary judgment there would be no effect on NEPCO's proposed rates. We therefore decline to rule on the question at this time and will deny the Customers motion. Our denial of the motion is, however, without prejudice to Customers' reviewing their motion to strike before the Administrative Law Judge at a later date.

Our review of NEPCO's proposed tariff changes in Docket Nos. ER76–304 and ER76–317 leads us to conclude that they should be accepted for filing. NEPCO states that the material required for its filing in Docket No. ER76–317 is contained in the filing in ER76–304. We shall therefore grant the requested waiver of Section 35.13(b)(4)(iii) and of Section 35.13(b)(1) of our Regulations. Such waiver is granted solely for the purpose of allowing the proposed tariff changes to be filed with the Commission to become effective after the two month suspension hereinafter ordered. The grant of such waiver should not be construed as a finding by the Commission that the data filed in either docket is sufficient to justify the changes proposed in Docket No. ER76–317.

In view of close relationship that appears to exist between the two dockets, we will also consolidate these dockets for purposes of the hearing hereinafter ordered and for all other purposes.

While we will accept NEPCO's proposed tariff changes for filing, we note that several issues may require development in an evidentiary hearing. Moreover, the proposed increases in rates have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. We shall therefore suspend the proposed increases in both dockets for two months and shall direct that a hearing be held on the justness and reasonableness of the rates proposed therein.

Our decision to suspend the proposed increases for a period of two months is, as in all cases in which we must fix the period of suspension, an attempt to balance sharply conflicting interests. On the one hand stand the consumers who have vigorously asserted a variety of challenges to the proposed rates and who argue that the filing should be rejected in its entirety. Barring that, the consumers argue that nothing short of a five month suspension period would be appropriate. On the other hand stands the company which asserts that a suspension period for longer than one day will cause extreme financial hardship and will ef-

fectively preclude the company from earning a fair return. We conclude that under the circumstances the interests of the parties will best be balanced by a two month suspension period.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting their right to present such further evidence as they deem relevant and material, the parties and our Staff should present evidence which considers, in addition to the issues raised by the intervenors, supra, the following: (1) reduction of rate base by the amount of accumulated provision for deferred federal income taxes (Account 283); and (2) the use of a rate of return on common equity of 14.60%.

The Commission further finds: (1) Good cause has not been shown for rejecting NEPCO's filing in Docket No. ER76-304.

(2) Good cause has been shown in Docket No. ER76-317 for waiving Sections 35.13(b)(1) and 35.13(b)(4)(iii) of the Commission's Regulations Under the Federal Power Act, 18 CFR Section 35.13(b)(1) and 18 CFR Section 35.13(b)(4)(iii), respectively.

(3) 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 NEPCO's rate increase filed in Docket Nos. ER76-304 and ER76-317, and that such increase be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission consolidate Docket Nos. ER76-304 and ER76-317 for hearing and for all other purposes.

(5) Good cause has not been shown for awarding reimbursement to Congressman Harrington for legal fees.

(6) Good cause exists to permit the intervention in Docket No. ER76-304 of Green Mountain, Congressman Harrington and Customers.

The Commission orders: (A) The motion to reject filed by Congressman Harrington and Customers are hereby denied.

(B) The requirements of Section 35.13(b)(1) and 35.13(b)(4)(iii) of the Commission's Regulations Under the Federal Power Act, 18 CFR Section 35.13(b)(1) and 18 CFR Section 35.13(b)(4(iii), are hereby waived, in Docket No. ER76-317 for the reasons and to the extent set forth above.

(C) Pending a hearing and decision thereon, NEPCO's November 28, 1975 filing in Docket No. ER76-304 and its December 1, 1975 filing in Docket No. ER76-317 are accepted for filing and suspended for two months until March 1, 1976, when they will be permitted to become effective, subject to refund.

(D) Docket Nos. ER76-304 and ER76-317 are hereby consolidated for hearing and for all other purposes.

(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 January 23, 1976 at 9:30 A.M., EST, 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, motion for consolidation and severence, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(F) The request by Congressman Harrington for an award of attorney's fees is hereby denied.

(G) Green Mountain, Congressman Harrington and Customers are hereby permitted to intervene in Docket No. ER76-304, subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of these parties shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene, and *Provided, further* that the admission of these parties as intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) 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 Section 1.18 of the Commission's Rules of Practice and Procedure.

(I) 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.76-921 Filed 1-12-76;8:45 am]

[Docket No. ER76-305]

NORTHERN STATES POWER CO. (WISCONSIN)

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Hearing Procedures

DECEMBER 31, 1975.

On November 28, 1975, Northern States Power Company (Wisconsin) tendered for filing proposed supplements [1] to existing rate schedules which would revise the rates and charges for firm power service to eleven municipal customers in the State of Wisconsin.[2] The proposed revisions would result in an increase in revenue of $1,128,439 (26.6%) based on estimated sales for the test year ending December 31, 1976. The proposed rate schedules also contain a revised fuel adjustment clause to conform with Commission Order No. 517. Northern States Power Company (Northern States) has requested that the proposed rates be made effective as of January 1, 1976.

Public notice of Northern States' filing was issued on December 4, 1975, with comments, protests, or petitions to intervene due on or before December 17, 1975. We shall act on any petitions to intervene by separate order.

Northern States' present rates for firm service to its eleven wholesale customers are being collected subject to refund pursuant to Commission order issued February 5, 1975, in Docket No. E-9155.[3]

Northern States claims that the proposed rate increase is needed to improve its earnings and the equity ratio of its capitalization (approximately 32% on July 31, 1975) so as to enable it to raise, on satisfactory terms, the large amount of capital necessary to finance the facilities required to meet its anticipated load growth. Construction expenditures for which additional capital will be needed are estimated to be $201,000,000 in 1976 and $1,491,000,000 for the years 1976 through 1980. The Company estimates that approximately 60% of the construction funds for the five year period will be internally generated. The Company notes, however, that this percentage decreases to 45% by the year 1980, when the construction budget is estimated at $455,000,000. Northern States therefore concludes that it is extremely important for it to have adequate earnings to maintain interest coverage ratios at a level sufficient to retain its AA bond rating.

In its filing Northern States indicates that its existing rate to the eleven municipal customers results in a rate of return from wholesale business of 1.83% for Period I test year ended July 31, 1975, and 3.91% for Period II test year ending December 31, 1976. The Company's proposed rate increase would yield a rate of return from the affected business of 9.82%, utilizing a return on equity of 15%.

The proposed rate levels have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend the use thereof until March 1, 1976, when the rates will be permitted to become effective, subject to refund, and we shall establish hearing procedures to determine the justness and reasonableness of Northern States' filing.

Based on our review of Northern States' filing we direct parties filing testimony in this case to address, inter alia, the propriety of the following cost of service treatments: (1) Direct assignment of transmission facilities and related costs; (2) Reclassification of per

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[1] See Appendix A for rate schedule designations and customer identification.

[2] Of the eleven municipal customers (listed in Appendix A), only The City of Black River Falls provides any of its own generation.

[3] A settlement agreement in Docket No. E-9155 is currently pending before the Commission. Northern States indicates that the present rate filing is based on the premise that the settlement agreement will be approved.

books transmission facilities and costs to distribution function; (3) Reclassification of per books distribution facilities and costs to transmission function; (4) Functionalization of general plant, common plant, and administrative and general expenses on functional plant ratios and allocated operation and maintenance expenses; and (5) Separation of Transmission function into various subfunctions reflecting voltage or service levels for allocation purposes. Witnesses submitting testimony on rate of return should address, inter alia: (1) Northern States' proposal for a return on equity of 15% and overall rate of return of 9.82%; (2) Northern States' present and future needs for capital; (3) the adequacy and significance of Northern States' present pre-tax debt interest coverage ratio; (4) the adequacy and significance of the past and present ratios of market value to book value of Northern States' common stock; and (5) the standing of Northern States in particular and the standing of comparable utilities in the market for capital.

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 and charges, as proposed by Northern States in Docket No. ER76-305 and that such increase be accepted for filing and suspended as hreeinafter provided.

The Commission orders: (A) Pending a hearing and final decision thereon, Northern States' proposed changes in its rates and charges, as filed on November 28, 1975, are accepted for filing and suspended until March 1, 1976, when the proposed rate schedule supplements shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a public hearing shall be held to determine the lawfuless and reasonableness of the proposed rates and charges contained in Northern States' rate increase filed on November 28, 1975.

(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 on January 21, 1976. 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).

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conference or offers of settlement pursuant to Section 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—RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS

NORTHERN STATES POWER COMPANY (WISCONSIN), DOCKET NO. ER76-305; FILED NOVEMBER 28, 1975; EFFECTIVE MARCH 1, 1976

Designation	*Description*
Supplement No. 4 to Rate Schedule FPC No. 42 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 42).	Third Revised Schedule A. Other party: Village of Cadott, Wis.
Supplement No. 4 to Rate Schedule FPC No. 45 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 45).	Third Revised Schedule A. Other party: City of Bloomer, Wis.
Supplement No. 4 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 49).	Third Revised Schedule A. Other party: City of Spooner, Wis.
Supplement No. 4 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 51).	Third Revised Schedule A. Other party: City of Whitehall, Wis.
Supplement No. 4 to Rate Schedule FPC No. 52 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 52).	Third Revised Schedule A. Other party: Village of Trempealeau, Wis.
Supplement No. 4 to Rate Schedule FPC No. 54 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 54).	Third Revised Schedule A. Other party: City of Black River Falls, Wis.
Supplement No. 6 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 5 to Rate Schedule FPC No. 55).	Third Revised Schedule A. Other party: City of Westby, Wis.
Supplement No. 3 to Rate Schedule FPC No. 56 (Supersedes Supplement No. 2 to Rate Schedule FPC No. 56).	Third Revised Schedule A. Other party: City of Rice Lake, Wis.
Supplement No. 2 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 58).	Third Revised Schedule A. Other party: City of Bangor, Wis.
Supplement No. 2 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 59).	Third Revised Schedule A. Other party: City of Cornell, Wis.
Supplement No. 4 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 60).	Third Revised Schedule A. Other party: City of New Richmond, Wis.

[FR Doc.76-922 Filed 1-12-76;8:45 am]

[Docket No. RP76-26]

ORANGE AND ROCKLAND UTILITIES, INC. V. ALGONQUIN GAS TRANSMISSION CO.

Conference

JANUARY 2, 1976.

Take notice that on January 29, 1976, the Staff will preside at an informal conference with interested parties to discuss any opposition to the requested adjustment to the base period end-use data sought in Orange and Rockland's complaint in this docket and to determine if other customers of Algonquin are similarly situated.

The Staff requests that Algonquin supply, on a best efforts basis by January 20, 1975, the end-use data of its customers pro-rated to Algonquin's sales to those customers which Algonquin uses to calculate curtailment.

The conference will be held in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m. on January 29, 1976. All interested parties are invited to attend.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-907 Filed 1-12-76;8:45 am]

[Docket No. ER76-189]

OTTER TAIL POWER CO.

Tender of Fuel Clause

JANUARY 5, 1976.

Take notice that on December 15, 1975, Otter Tail Power Company (Otter Tail) tendered for filing a fuel clause in purported compliance with Order No. 517 for its Special Municipal Electric Service Agreements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.76-880 Filed 1-12-76;8:45 am]

[Docket No. ER76-375]

OTTER TAIL POWER CO.

Filing

JANUARY 2, 1976.

Take notice that on December 19, 1975, Otter Tail Power Company filed Supplement No. 16, dated September 23, 1975, to the Upper Mississippi Valley Power Pool (UMVPP) Agreement. Otter Tail

has been designated as the filing agent and requests Commission authorization for Otter Tail to file on behalf of the following jurisdictional parties to the Agreement all of whom have signed Supplement No. 16:

Interstate Power Company
Lake Superior District Power Company
Minnesota Power & Light Company
Montana-Dakota Utilities Co.
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northwestern Public Service Company

Otter Tail Power Company requests an effective date of November 1, 1975, for Supplement No. 16.

Otter Tail states that copies of Supplement No. 16 have been served on the other members of the Upper Mississippi Valley Power Pool.

Otter Tail states that the purpose of Supplement No. 16 is to revise the service schedules and certain other provisions of the UMVPP Agreement to recognize present day generation costs and conditions of service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.76-893 Filed 1-12-76;8:45 am]

[Docket No. CI76-293]

PERRY R. BASS

Application

DECEMBER 30, 1975.

Take notice that on December 5, 1975, Perry R. Bass Applicant, Fort Worth National Bank Building, Fort Worth, Texas 76102, filed in Docket No. CI76-243 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce from Applicant's interest in Parkway West Unit, Well Nos. 1 and 2, Eddy County, New Mexico, to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed sales would be made pursuant to a gas sales contract between Applicant and El Paso dated November 7, 1975, would extend for a period of two pears from the date of initial deliveries. Initial deliveries would be made at the price of 76.5 cents per Mcf of natural gas at 14.73 psia plus tax reimbursement, subject to a Btu adjustment upward and downward from a base of 1,000 But per cubic foot. Applicant states that it is willing to accept a certificate conditioned to the rate set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a). Estimated sales are said to be approximately 21.60 Mcf per month.

Any person desiring to be heard or to make any protest with reference to said application 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). 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.76-913 Filed 1-12-76;8:45 am]

[Docket No. ER76-386]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Filing of Letter Agreement

JANUARY 2, 1976.

Take notice that on December 23, 1975, the Public Service Company of New Mexico (PSNM) tendered for filing a letter agreement, dated December 5, 1975, between PSNM and the Energy Research and Development Administration (ERDA) intended to supersede PSNM's current Rate Schedule FPC Supplement No. 6 to Schedule No. 10 which provides service to Los Alamos, New Mexico for ERDA. PSNM states that the rate design is based upon a Time of Day Rate which it believes will enable it to more fully utilize its coal resources and also result in a substantial reduction in ERDA's dependence upon ERDA's petrogeneration resources.

PSNM requests an effective date of December 1, 1975 and therefore also requests a waiver of Section 35.11 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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; provided, however, that any person who has previously filed a petition to intervene in this proceding is not requierd to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secreary.

[FR Doc.76-895 Filed 1-12-76;8:45 am]

[Docket No. ER76-371]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Filing of Proposed Fuel Cost Adjustment Clause

JANUARY 6, 1976.

Take notice that on December 18, 1975, Public Service Company of Oklahoma (PSCO) tendered for filing a proposed fuel cost adjustment clause to replace the clause filed for its resale electric service in Docket No. E-8242. PSCO states that the clause is intended to conform to the requirements of Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 Commis-

sion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-887 Filed 1-12-76;8:45 am]

[Docket Nos. RI76-96 and RI76-97]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR Chapter I], and the Commission's Rules of Practice and Procedure, public hearings, shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [6]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-96	Skelly Oil Co	107	26	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	$979	11-26-75		6-1-76	27.4368	[1] 27.9520	RI75-82
	do			do	1,086	11-26-75		6-1-76	29.3172	[2] 29.8330	RI75-82
	do	156	10	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).		11-26-75		6-1-76	27.4368	27.9520	RI75-95
	do	157	16	do	411	11-26-75		6-1-76	[3] 26.9314	[1] 27.9520	RI74-132
	do			do		11-26-75		6-1-76	[3] 28.8117	[2] 29.8330	RI74-132
	do	141	27	do	3,380	11-26-75		6-1-76	27.4368	[1] 27.9520	RI75-82
	do			do		11-26-75		6-1-76	29.3172	[2] 29.8330	RI75-82
	do	129	16	do	1,456	11-28-75		6-1-76	27.4368	28.0886	RI75-82
	do	211	18	Northwest Pipeline Corp. (Colorado) (Rocky Mountain).	175	11-28-75		6-1-76	[1] 25.5	[1] 26.0	RI75-87
	do			do		11-28-75		6-1-76	[2] 29.0	[2] 29.5	RI75-87
	do	131	25	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	1,059	11-26-75		6-1-76	[4] 27.4368	[4] 27.9520	RI75-82
	do		26	do	257	11-28-75		6-1-76	[5] 27.4368	[5] 27.9520	RI75-82
	do	215	9	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	64	11-28-75		6-1-76	[1] 27.4368	[1] 27.9520	RI75-87
	do			do		11-28-75		6-1-76	[2] 29.3172	[2] 29.8330	RI75-87
	do			do	180	11-28-75		6-1-76	[1] 25.5	[1] 26.0	RI75-87
	do	116	12	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	276	11-28-75		6-1-76	[1] 25.5	[1] 26.0	RI75-82
	do			do		11-28-75		6-1-76	[2] 29.0	[2] 29.5	RI75-82
	do	136	15	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	227	11-26-75		6-1-76	27.4368	28.0886	RI75-82
	do	140	17	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	919	11-26-75		6-1-76	[1] 25.5	[1] 26.0	RI75-82
	do			do		11-26-75		6-1-76	[2] 29.0	[2] 29.5	RI75-82
RI76-97	Austral Oil Co., Inc	21	11	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	476	11-26-75		6-1-76	27.6389	27.9090	RI75-103
	do	22	9	do	3,190	11-26-75		6-1-76	27.6389	27.9090	RI75-103
	do	24	10	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	116	11-26-75		6-1-76	27.6389	72.9090	RI75-103
	do	36	10	Northwest Pipeline Corp. (New Mexico) Rocky Mountain).	835	11-26-75		6-1-76	27.6389	27.9090	RI75-103
	do	37	13	do	287	11-26-75		6-1-76	27.6389	27.9090	RI75-103

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to wells completed prior to June 1, 1970.
[2] Applicable to wells completed on or after June 1, 1970.
[3] Last filed rate (Supp. No. 15). Filing erroneously reflects current effective rate of 27.4368 cents for wells completed prior to June 1, 1970, and 29.3172 cents for wells completed on or after June 1, 1970.
[4] Applicable to all production except from certain wells.
[5] Applicable only to production from certain wells.
[6] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increases exceed the applicable area ceiling established in Opinion No. 658, and they are suspended for five months.

[FR Doc.76-609 Filed 1-12-76;8:45 am]

[Docket No. RI76-98]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject ot refund in dockets No.
RI76-98...	Skelly Oil Co	144	20	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	$1,100	11-28-75		6-1-76	[1] 27.4368	[1] 27.9520	RI75-87
	do			do		11-28-75		6-1-76	[2] 29.3172	[2] 29.8330	RI75-87
	do			do	1,910	11-28-75		(4)	[3] 36.0905	[3] 39.7289	

*Unless otherwise stated, the pressure base is 15.025 lb/in².
[1] Applicable to gas produced from wells completed prior to June 1, 1970.
[2] Applicable to gas produced from wells completed on or after June 1, 1970.
[3] Applicable only to acreage dedicated after Oct. 1, 1968.
[4] Rejected.
[5] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

One of the proposed increases is rejected because it exceeds the applicable ceiling in the Rocky Mountain Area established in Opinion No. 699-H for gas sold under contracts dated on or after October 1, 1968, from wells commenced prior to January 1, 1973, and thus is in conflict with the moratorium contained in that opinion.

The other increases exceed the applicable ceiling established in Opinion No. 658, and they are suspended for five months.

[FR Doc.76-610 Filed 1-12-76;8:45 am]

[Docket Nos. RI76-100, et al.]

SKELLY OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the Expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [4] Rate in effect	Cents per Mcf* [4] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI76-100..	Skelly Oil Co	159	[1] 14	West Texas Gathering Co. (Texas) (Permian).	$11,622	11-28-75		6-1-76	30.1125	31.1163	RI75-84
RI76-101..	Skelly Oil Co. (Operator), et al.	187	[2] 20	El Paso Natural Gas Co. (New Mexico) (Permian).		11-28-75		6-1-76	37.4047	38.4289	RI75-84
RI76-102..	Gulf Oil Corp	138	16	West Texas Gathering Co. (Texas) (Permian).	3,310	12-1-75		6-1-76	33.0936	34.1968	RI75-79
RI76-103..	Phillips Petroleum Co	509	10	El Paso Natural Gas Co. (New Mexico) (Permian).	790	12-1-75		6-1-76	38.4275	39.4528	RI75-97
RI76-104..	Skelly Oil Co	265	10	do	7,680	11-28-75		6-1-76	38.4156	39.4402	RI75-84
	do			do	6,839	11-28-75	1-1-76	(5)	[3] 54.9015	[3] 55.8786	

*Unless otherwise stated, the pressure base is 14.65 lb/in ²a.
[1] Applicable to acreage added by supp. No. 1.
[2] Applicable to production below the base of the Strawn formation.
[3] Applicable to well No. 3 in section 15 commenced after Jan. 1, 1973.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[5] Accepted, as of the date set forth in the "Effective date unless suspended" column.

Skelly's proposed rate increase to the national ceiling established in Opinion No. 699, as amended, for sales under its FPC Gas Rate Schedule No. 265 from Well No. 3 in Section 15 is accepted inasmuch as the sale is from a well commenced on or after January 1, 1973.

The other proposed rate increases exceed the applicable area ceiling established in Opinion No. 662 and they are suspended for five months.

[FR Doc.76-611 Filed 1-12-76;8:45 am]

[Docket Nos. RI76-106, et al]

SOHIO PETROLEUM CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [7] Rate in effect	Cents per Mcf* [7] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI76-106	Sohio Petroleum Co	100	15	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	$1,315	11-26-75		6-1-76	25.5	26.1	RI75-62
RI76-107	Belco Petroleum Corp	4	[1] 14	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).	-----	[6] 11-28-75		6-1-76	26.0	27.55	RI74-119
RI75-56	do	12	10	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	12,840	12- 8-75		12-9-75	25.76	27.90	RI75-56
	do	12	11	do	15,900	[3] 11-28-75		6-1-76	27.90	28.41	RI75-56
RI76-108	Marathon Oil Co	25	26	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	257	11-25-75		6-1-76	29.3172	29.8330	RI75-68
	do		27	do	3,627	11-25-75		6-1-76	27.0732	[3] 28.1095	RI75-110
	do			do	610	11-25-75		6-1-76	27.1408	[4] 28.1566	RI75-110
	do	55	18	do	12,189	11-25-75		6-1-76	27.1408	28.1566	RI75-110
	do	90	9	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	449	11-25-75		6-1-76	27.1492	29.1919	RI75-110
	do	92	8	do	198	11-25-75		6-1-76	27.1492	29.1919	RI75-110
	do	96	14	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	142	11-25-75		6-1-76	27.1408	28.1566	RI75-110
	do	126	23	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	74	11-25-75		6-1-76	27.0732	28.1095	RI75-110
RI76-109	Amerada Hess Corp	49	17	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	9,600	11-28-75		6-1-76	26.5306	27.0716	
	do	50	22	do	1,500	11-28-75		6-1-76	26.5306	27.0716	
	do	95	18	Montana-Dakota Utilities Co. (North Dakota) (Rocky Mountain).	281,544	11-28-75		6-1-76	34.3737	37.6742	RI75-124
	do	99	7	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	269	11-28-75		6-1-76	25.75	26.28	
RI76-110	Marathon Oil Co	127	18	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	8,290	11-25-75		6-1-76	27.0732	[3] 28.1095	RI75-110
	do	127	18	do	11	11-25-75		6-1-76	27.1408	[4] 28.1566	RI75-110
					712	11-25-75		6-1-76	29.3172	29.8330	RI75-68
RI76-111	Gulf Oil Corp	174	13	Northwest Pipeline Corp. (Wyoming) (Rocky Mountain).	1,850	12- 8-75		6-8-76	[5] 35.7750	[5] 37.0085	RI75-77

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applies only to wells completed after June 7, 1972, not qualifying for the nationwide rate under Opinion No. 699-H.
[2] As amended by filing dated Dec. 3, 1975, received Dec. 8, 1975.
[3] Applicable to gas produced in New Mexico School District No. 53.
[4] Applicable to gas produced in New Mexico School District No. 6.
[5] Includes previously authorized double tax, in order to recoup past taxes.
[6] As amended by filing dated Dec. 5, 1975, received Dec. 8, 1975.
[7] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

Belco's proposed rate increase under Supplement No. 10, to its FPC Gas Rate Schedule No. 12 corrects the method of tax computation on an underlying rate which is in effect subject to refund in Docket No. RI75-56. This filing results in a tax increase and is suspended for one day in the existing Docket No. RI75-56.

The remaining proposed rate increases exceed the applicable area ceiling in Opinion NO. 658 and are suspended for five months.

[FR Doc.76-612 Filed 1-12-76;8:45 am]

[Docket No. ER76-205]

SOUTHERN CALIFORNIA EDISON CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention, Denying Motion To Reject, Motions for Summary Disposition, and Motion To Require Supplemental Testimony and Exhibits, and Establishing Hearing and Procedures

DECEMBER 31, 1975.

On October 31, 1975, Southern California Edison Company (Edison) tendered for filing certain proposed changes in its FPC Electric Service Tariffs for service to its R-1 [1] and R-2 [2] customers. By this filing, Edison seeks to increase its rates to these jurisdictional customers by an estimated $16,891,000, based on the twelve months December 31, 1976.

Notice of Edison's filing was issued November 7, 1975, with protests and petitions to intervene due on or before November 24, 1975. On November 24, 1975, Anza Electric Cooperative, Inc. (Anza) filed a Petition to Intervene, Protest and Motion to Suspend Rate filing and to Require Southern California Edison Company to Submit Supplemental Testimony and Exhibits. Also on November 24, 1975, the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (Cities) filed their petition to intervene.[3] In addition to these petitions to intervene, numerous customers of Edison's wholesale customers have filed protests, stating that the increased rates sought were excessive and requesting relief from the increased rates. In accordance with our Regulations, these protestants will not be made intervenors herein. We have, however, considered these protests in determining our action herein. Furthermore, we shall place these protests in a public file associated with, but not part of, the record upon which our decision as to the just and reasonable rates for Edison will be made. These protests will be available to the parties and our Staff for such further exploration of the substantive matters raised therein, as may be appropriate. On December 9, 1975, Edison filed an answer to the pleadings of Cities and Anza. Anza responded to Edison's answer on December 12, 1975.

Anza in its pleading seeks a five month suspension of Edison's proposed rate increase, stating the following: the increase to it (an R-1 customer) is greater than the increase to the R-2 customers; Anza was unable to determine the validity of the allocation of costs to the R-1 customers within the time period fixed for the filing of petitions to intervene; that the dual rates for small and large customers is no longer useful; and there should be no difference between the demand and energy charges among Edison's wholesale customers. Anza requests, therefore, that we direct Edison to file within 30 days testimony and exhibits incorporating and supporting a single rate schedule for all of Edison's wholesale customers. Anza also requests that the proposed rate increase be suspended for five months.

Cities also raise certain issues and seek various forms of relief in its petition. Initially, Cities state that Edison's books of account do not present adequate support for a rate increase and that an independent audit should be conducted of Edison's books. Specifically, Cities rely on certain allegations of irregularities in Edison's books developed in Edison's two prior rate increase filings with this Commission in Docket No. E-8176 and E-8570. Cities also rely on an audit by the Staff of the California Public Utilities Commission and an audit by our Staff of Edison's fuel expense. Secondly, Cities allege that Edison has not substantiated the estimates it uses to support its proposed rate increase, particularly Edison's estimated increase in operating costs. Cities therefore request rejection of this rate filing and that Edison be ordered to provide projections which it furnishes to the investment community. Cities states further that Edison's Statement J is defective and therefore the filing should be rejected. Cities further urge that summary judgment must be granted as to that part of Edison's proposed rate increase based on tax normalization. In this regard, Cities allege that Edison would receive tax savings and not tax deferrals from its use of normalization of liberalized depreciation for rate purposes. Cities also state that normalization of tax deductions associated with Edison's construction program also creates tax savings. Thus Cities assert, we should immediately deny Edison's treatment of this item and grant summary judgment on these items. Cities also argue that certain items, including construction work in progress and other items are improperly included in Edison's rate base and that certain costs associated with Edison's retail service are included in its proposed wholesale rates. Finally, Cities urge that the proposed wholesale rates are unduly discriminatory between the R-2 customers and Edison's large industrial retail customers.

We believe that these petitioners should be permitted to intervene herein and that their motions for the relief hereinabove recited raise issues of both fact and law which should be the subject of the hearing hereinafter ordered. However, we shall deny the motions for relief or refer them to the Presiding Administrative Law Judge for him to rule on within the context of his conduct of the hearing herein ordered. Specifically we deny Anza's motion that we require Edison to file a single rate schedule with supporting testimony and exhibits. We note initially that under Section 205(e) of the Federal Power Act that the utility has the burden of proof to show that its increased rates are just and reasonable. Furthermore, under Section 35.13(b)(5)(i) Edison is required to go forward at hearing and sustain its statutory burden of proof on the data which are submitted in support of its proposed rate increase. This denial is without prejudice to Anza's right to renew its motion at the prehearing conference hereinafter ordered, which motion should be considered by and ruled upon by the Presiding Judge when establishing further procedural dates.

We also refer Cities' request that we order an audit of Edison's books and authorize it to participate in such audit to the Presiding Judge. Insofar as Order No. 487, relating to the Period II test year was recently affirmed,[4] Cities' arguments in this regard go to the weight of the evidence and the question of whether Edison meets its burden of proof to sustain its proposed rates, both matters for the Presiding Judge to rule upon in the first instance.

We shall also deny Cities' Motions for Summary Disposition as to normalized treatment of tax deductions. These matters do not present questions which lend themselves to summary disposition in the same way that the orders relied on by Cities do. Instead, these complex questions, both of fact and law, must be decided as the basis of a full evidentiary hearing and not on the basis of Cities' pleading. Our review of the materials included in Edison's filing indicates that CWIP has not been included in rate base. We shall, therefore, deny Cities' Motion for Summary Disposition in this regard.

Our review of the rates proposed herein indicates that the 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 proposed rates for filing and suspend their use for

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[1] Small resale customers consisting of Anza Electric Cooperative, Inc., Arizona Public Service Company at Cibola, Arizona Public Service Company at Ehrenberg, and Southern California Water Company at Harnish.

[2] City of Anaheim, City of Azusa, City of Banning, City of Colton, City of Riverside, and City of Vernon, all in California, and Southern California Water Company at Gold Hill. Rate Schedule designations are shown in Appendix A.

[3] That pleading is styled: Motion to Reject for Failure to Comply With This Commission's Regulations, Protest Petition to Intervene and Motions for Summary Judgment; and Petition for Authorization to Conduct an Immediate Audit of Books of Account.

[4] *American Public Power Association* v. *Federal Power Commission*, D.C. Cir. Nos. 73-1992, *et al.*, issued November 3, 1975.

one month, when they will be permitted to become effective, subject to refund, pending hearing and decision as to their justness and reasonableness. Without limiting the issues to be developed we believe that the parties should address their testimony and exhibits to the matters discussed above and all other matters relating to the justness and reasonableness of Edison's proposed rate. We also exclude from the hearing herein ordered the price-squeeze issue raised by Cities, pending decision by the United States Supreme Court of the *Conway* case.[5]

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 proposed herein be accepted for filing and suspended for one month, when they will be permitted to become effective, subject to refund, pending hearing and decision as to their lawfulness.

(2) The above-named petitioners should be permitted to intervene.

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 Chapter I), a public hearing shall be held concerning the justness and reasonableness of Edison's proposed rate increase filed herein.

(B) Pending a hearing and a decision thereon, Edison's proposed rate changes as designated in the attached Appendix A are hereby accepted for filing and suspended for one month, to become effective on February 1, 1976, 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 the hearing in this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(D) The Presiding Administrative Law Judge shall preside at a prehearing conference in this proceeding to be held on January 28, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., 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).

(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 Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The motions of Cities and Anza hereinabove discussed are denied.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings 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 in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[5] Cities argument states that these rates are unduly discriminatory between the R-2 customers and large industrial retail customers and allege that this is unlawful, relying on *Conway Corporation* v. *Federal Power Commission*. Our petition for certiorari was granted in that case. — U.S. — (1975); 44 U.S.L.W. 3270.

APPENDIX A.—*Rate Schedule Designations (ER76-205) Southern California Edison Co.*

[Filing date, Oct. 31, 1975; Effective date, Feb. 1, 1976 (subject to refund)]

Designations	Instrument	Other party
Supp. No. 9 to rate schedule FPC No. 6 (supersedes supp. No. 8 to rate schedule FPC No. 6).	Resale service schedule R-1	Arizona Public Service Co., Gilboa.
Supp. No. 10 to rate schedule FPC No. 13 (supersedes supp. No. 9 to rate schedule FPC No. 13).	Resale service large schedule R-2.	City of Vernon, Calif.
Supp. No. 14 to rate schedule FPC No. 15 (supersedes supp. Nos. 12 and 13 to rate schedule FPC No. 15).	Resale service large schedule R-2 (220,000 V).	City of Anaheim, Calif.
Supp. No. 9 to rate schedule FPC No. 16 (supersedes supp. No. 8 to rate schedule FPC No. 16).	Resale service large schedule R-2.	City of Azusa, Calif.
Supp. No. 14 to rate schedule FPC No. 17 (supersedes supp. No. 12 to rate schedule FPC No. 17).	Resale service large schedule R-2 (66,000 V).	City of Riverside, Calif.
Supp. No. 15 to rate schedule FPC No. 17 (supersedes supp. No. 13 to rate schedule FPC No. 17).	Resale service large schedule R-2 (220,000 V).	Do.
Supp. No. 8 to rate schedule FPC No. 19 (supersedes supp. No. 7 to rate schedule FPC No. 19).	Resale service schedule R-1	Anza Electric Co-op., Inc.
Supp. No. 8 to rate schedule FPC No. 21 (supersedes supp. No. 7 to rate schedule FPC No. 21).	Resale service large schedule R-2.	City of Banning, Calif.
Supp. No. 8 to rate schedule FPC No. 29 (supersedes supp. No. 7 to rate schedule FPC No. 29).	Resale service schedule R-1	Arizona Public Service Co. (Ehrenberg).
Supp. No. 10 to rate schedule FPC No. 31 (supersedes supp. No. 9 to rate schedule FPC No. 31).	Resale service large schedule R-2.	City of Colton, Calif.
Supp. No. 8 to rate schedule FPC No. 33 (supersedes supp. No. 7 to rate schedule FPC No. 33).	....do.....	South California Water Co. (Gold Hill).
Supp. No. 6 to supp. No. 2 to rate schedule FPC No. 33 (supersedes supp. No. 5 to supp. No. 2 to rate schedule FPC No. 33).	Resale service schedule R-1	South California Water Co. (Harnish).

[FR Doc.76-924 Filed 1-12-76;8:45 am]

[Docket No. ER76-385]

SOUTHERN INDIANA GAS & ELECTRIC CO.

Request for Waiver

JANUARY 2, 1976.

Take notice that on December 22, 1975, Southern Indiana Gas and Electric Company (Southern Indiana) filed a request for waiver of the January 1, 1976, deadline for filing a revised fuel adjustment clause in compliance with Order No. 517 in Docket No. R-479. Southern Indiana requests an extension of one year to accommodate prospective filing of new rate schedules for its wholesale municipal customers and to facilitate related activities before the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 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 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.76-896 Filed 1-12-76;8:45 am]

[Docket Nos. CI61-469 and CI61-186]

SUMMIT ENERGY, INC.

Application

DECEMBER 30, 1975.

Take notice that on December 8, 1975, Summit Energy, Inc. (Applicant), 1925 Mercantile Dallas Building, Dallas, Texas 75201, filed in Docket Nos. CI61-469 and CI61-186 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 Skelly Oil Company (Skelly), from the Blinebry Field, 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 the New Mexico Oil Conservation Commission has reclassified Applicant's Gulf Hill No. 1-R and No. 3-0 Wells from oil wells to gas wells so that there is no longer casinghead gas production which would be subject to Applicant's casinghead gas contract with Skelly dated June 8, 1973. Applicant

states that as gas-well gas, the gas produced from said wells is subject to a gas sales contract dated February 18, 1952, to which Northern Natural Gas Company has succeeded to the interest of the buyer and the sales from said wells would be made pursuant to the small producer certificate in Docket No. CS71-414.

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.76-914 Filed 1-12-76;8:45 am]

[Docket Nos. RP73-114, RP74-24 and RP74-73]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Corrected Tariff Sheets

JANUARY 2, 1976.

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 Novemeber 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.76-898 Filed 1-12-76;8:45 am]

[Docket No. RP71-11 PGA76-2]

TENNESSEE NATURAL GAS LINES, INC.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

JANUARY 2, 1976.

Take notice that on December 12, 1975, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 15, 1976, consisting of the following revised tariff sheets:

Fourteenth Revised Sheet No. PGA-1; and, Ninth Revised Sheet No. PGA-2

Tennessee Natural states that the purpose of its filing is to reflect, in accordance with the Purchased Gas Cost Adjustment (PGA) provisions of its FPC Gas Tariff, the rates of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee Gas), which will become effective subject to refund on January 15, 1976 in Docket Nos. RP75-113, *et al.*

Tennessee Natural States that copies of the filing have been mailed to its jurisdictional customer and the affected state regulatory 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 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.76-897 Filed 1-12-76;8:45 am]

[Docket No. RI76-89]

TENNECO OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.-102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*[3]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-89	Tenneco Oil Co.	1	12	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	$138	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	17	13	do		11-24-75		6-1-76	[1] 27.5711	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	21	13	do		11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	26	12	do	195	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	37	13	do	73	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	38	14	do	381	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	39	13	do	331	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	45	16	do	3,840	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3311	[2] 29.8368	RI75-90
	do	47	13	do	152	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	50	20	do	74	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	
	do	51	13	do	6	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	121	13	do	1,247	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	124	15	do	1,781	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3311	[2] 29.8368	RI75-90
	do	126	12	do	85	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	144	16	do	210	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	151	13	do	18	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	152	13	do	386	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	161	20	do	44	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	163	14	do		11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	164	11	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	40	11-24-75		6-1-76	[1] 25.5062	[1] 26.0066	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.0290	[2] 29.5295	RI75-90
	do	172	12	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	177	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75f90
	do	176	34	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	1,766	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-75	[2] 29.3311	[2] 29.8368	RI75-90
	do	180	11	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	566	11-24-75		6-1-76	[1] 28.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	198	11	do	2,730	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3311	[2] 29.8368	RI75-90
	do	203	9	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	182	11-24-75		6-1-76	27.5717	28.1233	RI75-90
	do	223	21	do	6,078	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3311	[2] 29.8368	RI75-90
	do	225	10	do	226	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	228	10	do	678	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	257	13	do	66	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	291	13	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	192	11-24-75		6-1-76	[1] 27.5717	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3207	[2] 29.8368	RI75-90
	do	292	34	do	4,885	11-24-75		6-1-76	[1] 27.5821	[1] 28.1233	RI75-90
	do			do		11-24-75		6-1-76	[2] 29.3311	[2] 29.8368	RI75-90

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to wells completed prior to June 1, 1970.
[2] Applicable to wells completed on or after June 1, 1970.
[3] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increases exceed the applicable area ceiling established in Opinion No. 658 and they are suspended for five months.

[FR Doc.76-613 Filed 1-12-76;8:45 am]

[Docket No. RI76-95]

TEXACO, INC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [12] Rate in effect	Cents per Mcf* [12] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI76-95	Texaco Inc	197	16	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	$1,000	11-12-75		6-1-76	30.4002	[2] [7] 30.9804	RI75-86
	do			do		11-12-75		6-1-76	34.4810	[8] 35.1106	RI75-86
	do	211	25	Northwest Pipeline Corp. (Wyoming) (Rocky Mountain).	18,000	11-12-75		[9] 6-1-76	28.1053	[1] [3] [9] 29.3447	RI75-86
	do			do	(200)	11-12-75	[6] 1-1-76	(13)	[2] 26.7530	[1] [3] [6] 26.2033	
	do	290	19	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	500	11-12-75		6-1-76	29.5093	[3] [7] 30.0845	RI75-86
	do			do		11-12-75		6-1-76	33.3675	[8] 33.9410	RI75-86
	do	324	16	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	4,000	11-12-75		6-1-76	31.3764	[3] [7] 31.9880	RI75-86
	do			do		11-12-75		6-1-76	35.4786	[8] 36.0884	RI75-86
	do	346	16	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	(400)	11-12-75		6-1-76	34.2288	[3] [5] 32.4111	RI75-86
	do			do	10,000	11-12-75	1-1-76	(13)	69.1882	[3] [4] 70.5248	
	do	505	19	Northwest Pipeline Corp. (New Mexico) (Rocky Mountain).	2,000	11-12-75		6-1-76	29.5093	[3] [7] 30.0845	RI75-86
	do			do		11-12-75		6-1-76	33.3675	[8] 33.9410	RI75-86
	do	506	13	do	1,000	11-12-75		6-1-76	29.5093	[3] [7] 30.0845	RI75-86
	do			do		11-12-75		6-1-76	33.3675	[8] 33.9410	RI75-86
	do	507	20	do	7,000	11-12-75		6-1-76	29.5093	[3] [7] 30.0845	RI75-86
	do			do		11-12-75		6-1-76	33.3675	[8] 33.9410	RI75-86
	do	45	1-12	Mountain Fuel Supply Co. (New Mexico) (Rocky Mountain).	19,420	[10] 12-11-75		(14)	27.2553	[14] 28.3050	
	do		13	do	16,357	[11] 11-12-75	1-1-76	(13)	60.8135	[3] 62.0060	
	do			do	22,983	[11] 11-12-75		6-1-76	28.3050	29.4372	RI75-139

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Includes double tax in order to recoup past taxes.
[2] Includes local ad valorem taxes.
[3] Rate shown is subject to further adjustment for local ad valorem taxes.
[4] Includes gathering allowance.
[5] Total proposed rate is lower than total present rate due to lower present average British thermal unit content (base rate has increased from 25.4807 to 25.9807 cents per thousand cubic feet.
[6] Gas production from acreage added by supp. No. 7.
[7] Sales from wells completed prior to June 1, 1970.
[8] Sales from wells completed after June 1, 1970.
[9] Gas production from all acreage except that added by supps. Nos. 7 and 13.
[10] The proposed rate represents a decrease in the original proposed increased rate of 29.8098 cents per thousand cubic feet which was suspended until Oct. 15, 1975 in docket No. RI75-139.
[11] As amended by filing dated Dec. 5, 1975, and received Dec. 11, 1975.
[12] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[13] Accepted, to become effective as of the date set forth in the "Effective date unless suspended" column.
[14] Accepted, as a rate decrease to be effective on Oct. 15, 1975, subject to refund in docket No. RI75-139.

Texaco's proposed rate increase to 28.3050¢ per Mcf is a decrease from the 29.8098¢ per Mcf rate suspended until October 15, 1975 in an order issued May 14, 1975 in Docket No. RI75-139. The proposed decreased rate of 28.3050¢ per Mcf will be accepted as of October 15, 1975, subject to refund in Docket No. RI75-139.

With the exceptions of the three proposed rate increases which are accepted as of January 1, 1976, the remaining proposed rate increases are in excess of the applicable area ceiling establishing in Opinion No. 658, and they are suspended for five months.

[FR Doc.76-614 Filed 1-12-76;8:45 am]

[Docket Nos. CP75-275; CP75-276; CP75-337; CS73-296]

TEXAS GAS TRANSMISSION CORPORATION ET AL.

Proposed Agreement of Settlement

JANUARY 5, 1976.

Take notice that on December 31, 1975, the Administrative Law Judge in the above entitled proceeding certified a proposed agreement of settlement to the Commission for review pursuant to Section 1.30 of the Commission's Rules of Practice and Procedure.

The proposed agreement of settlement entails issuance of certificates of public convenience and necessity in the consolidated dockets, subject to the following conditions: The transportation rates were modified from the original proposal to a 1 cent per Mcf rate for Texas Gas Transmission Corporation in Docket No. CP75-275; to require the proposed initial rate by Tennessee Gas Pipeline Company in Docket No. CP75-276 to be collected subject to refund pending determination of the justness and reasonableness of that rate in certain pending rate proceedings; and to a 2.6 cents per Mcf rate for Transcontinental Gas Pipe Line Corporation in Docket No. CP75-337. A small producer certificate will be issued to Energy Development Corporation (EDC) upon, *inter alia*, the following conditions:

(a) Energy Development Corporation will not sell natural gas to Public Service Electric and Gas Company (PSE&G) at a rate in excess of the National Area Rates.

(b) EDC will file copies of contracts for all gas sold to PSE&G.

(c) EDC will notify the FPC of any change in the price of gas sold to PSE&G.

(d) EDC shall offer to sell to one of the three transporting pipeline companies any gas owned by EDC which is not already committed to the interstate market.

(e) The certificated gas shall not be used by PSE&G as boiler fuel.

Any person, including the parties to this proceeding, desiring to file comments either in support of or in opposition to the proposed settlement should file such comments on or before January 15, 1976. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission. Replies to the initial comments may be filed on or before February 15, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-881 Filed 1-12-76;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment of Petition for Declaratory Order

JANUARY 5, 1976.

Take notice that on December 24, 1975, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. RP72-99 an amendment to its petition for a declaratory order. On December 16, 1975, Transco filed a petition under Section 1.7(c) of the Commission's Rules of Practice and Procedure for a declaratory order interpreting the "1975-1976 Interim Settlement Agreement", which was approved by Commission order of November 28, 1975, in the above-entitled proceeding. Transco sought a determination of the following question:

"Whether it would be a violation of the purpose and intent of the '1975-1976 Interim Settlement Agreement' herein for Transco to transport emergency natural gas to be purchased by a specific distributor-customer under Section 2.68 of the Commission's general Policy and Interpretations under circumstances where Transco would be physically and legally eligible to purchase or transport such gas under Section 2.68 for the benefit of all of its CD and firm direct customers in accordance with the aforesaid Settlement Agreement."

In its December 16, 1975, filing Transco stated that one of its customers, South Jersey Gas Company (South Jersey), had tentatively arranged for the emergency purchase of natural gas for 60 days under Section 2.68 of the Commission's General Policy and Interpretations. Under the tentative agreement, the gas would be delivered into Transco's system in Texas for redelivery into the customer's system. The arrangement was specifically subject to the execution of a transportation agreement, which had not been executed pending determination by the Commission of the petition.

In its amended petition, Transco states it has arranged the purchase of natural gas for 60 days pursuant to Section 2.68 of the Commission's General Policy and Interpretations subject to the seller intrastate purchaser obtaining the necessary approvals. Transco has agreed to purchase the gas for $2.20 per Mcf which represents the highest cost of gas purchased by LoVaca for equivalent volumes ($2.15 per Mcf) plus the 5¢ per Mcf transportation charge mandated by the Texas Railroad Commission. This price contrasts with the $2.27 per Mcf which South Jersey had tentatively agreed to pay for such gas.

Transco is advised by South Jersey that the latter wishes to pursue the purchase of the subject gas for the sixty day period commencing after Transco's sixty day purchase expires. Assuming that South Jersey obtains an agreement for the purchase of the gas at such time, Transco states it is still willing to transport such gas for South Jersey if such arrangement is not violative of the Settlement Agreement in this proceeding. However, since the gas would still be available at that time for Transco's system either through a sixty day extension of its purchase, as contemplated by Section 2.68, or by arranging for the customers to purchase directly under the provisions of Article V of the Settlement Agreement, the question earlier presented to the Commission as contained in the original petition for declaratory order, is posited in this new context.

Transco in its amendment also states that the South Jersey answer to the original petition has raised further issues of interpretation of the Settlement Agreement requiring determination by the Commission. South Jersey has alleged that its action in attempting to obtain its own supply is consistent with Article VI of the Settlement Agreement. Transco contends that any applicant for extraordinary relief under Article VI must show as a prerequisite, "changes in presently foreseen circumstances . . . which require greater protection of high priority markets by Transco than contemplated at the time this Agreement [was] submitted". Transco contends that since it has increased its supply to customers, either from its own sources or through arrangements for direct purchases of emergency gas, substantially in excess of levels contemplated at the time of the settlement, South Jersey could not invoke the provisions of Article VI. Further, Transco believes the "self-help" measures contemplated by Article VI prior to extraordinary relief do not relate to measures to obtain supplies in competition with Transco.

It appears reasonable and consistent with hte public interest in this case to prescribe a period shorter than 15 days for the filing of answers to the petition. Therefore, any person desiring to be heard with reference to this petition should file an answer thereto on or before January 12, 1976, with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.9). All answers filed with the Commission will be considered by it in determining the appropriate action to be taken on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-882 Filed 1-12-76;8:45 am]

[Docket No. CP76-202]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 31, 1975.

Take notice that on December 16, 1975, United Gas Pipe Line Company (United) filed in Docket No. CP76-202 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission (Commission) issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations for a certificate of public convenience and necessity authorizing United to transport up to 500 Mcf of natural gas per day for Corning Glass Works (Corning), an existing industrial customer of City of Danville, Virginia (Danville) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that the gas will be purchased by Corning from production in the Monroe Field, Morehouse, Ouachita and United Parishes, Louisiana and delivered by United to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Corning at existing authorized points of interconnection. Transco will deliver the gas so transported to Danville for the account of Corning for ultimate high priority end use at its Danville, Virginia Manufacturing Plant. Applicant states that the proposed transportation service is consistent with the policy of the Commission promulgated by Order 533 in Docket No. RM75-25 issued August 28, 1975.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or 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 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 hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-899 Filed 1-12-75;8:45 am]

[Docket No. RP73-94 (PGA76-1)]

VALLEY GAS TRANSMISSION, INC.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Instituting Investigation Under Section 5 of the Natural Gas Act and Establishing Hearing Procedures

DECEMBER 31, 1975.

On November 14, 1975, Valley Gas Transmission, Inc. (Valley) filed a PGA rate increase [1] for sales to two pipeline customers, Tennessee Gas Pipeline Company (Tennessee) and National Fuel Supply Corporation (National) and a PGA reduction to one, United Gas Pipe Line Company (United).[2] Valley's PGA rate changes are on the basis of a segregated gas supply to each customer instead of a systemwide average basis. The subject rate adjustments are proposed to become effective January 1, 1976.

Valley's filing was noticed on November 19, 1975, with responses due on or before December 8, 1975. No responses have been received.

The cost of purchased gas component of Valley's rate proposed to become effective as of January 1, 1976, is consistent with the Commission's order issued December 2, 1975, in Docket Nos. G-19618, *et al.* which approved a settlement agreement which resolved a dispute between two of Valley's customers, Tennessee and National, as to which party is entitled to the low priced natural gas reserves in the Petronilla and Luby Fields in Texas. The period *prior* to January 1, 1976, is covered by Valley's proposed surcharge rate adjustment. The proposed surcharge, which is to clear the balance in Valley's deferred purchased gas cost account, has not been shown to have reflected the settlement allocation of costs related to the Petronilla and Luby Fields reserves. We note further that Valley's three previous PGA filings have been suspended for one day and made subject to refund pending the outsome of the reserves allocation issue in Docket Nos. G-19618, *et al.*[3]

In light of this fact, as well as the fact that Valley's filing reflects small producer purchases in excess of the rate levels prescribed in Opinion No. 742[4], the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Valley's proposed tariff sheets for filing and suspend them for one day until January 2, 1976, when they shall become effective, subject to refund.

With regard to the issue of the proper allocation of the Petronilla and Luby Fields reserves we shall require Valley, in its next semi-annual PGA filing, to adjust its Deferred Purchased Gas Cost Account to give rate effect to the settlement allocation of the Petronilla and Luby Fields reserves in Docket Nos. G-19618, *et al.* for all periods prior to January 1, 1976 [5] which are covered by past PGA filings made by Valley in Docket No. RP73-94 (PGA74-4) (PGA 75-1) and (PGA75-2). Valley shall also submit detailed workpapers and other necessary data and information to explain and support the adjustments to the deferred account. Upon Valley's compliance with this requirement, we shall take whatever action as appropriate to terminate the proceedings in Docket Nos. RP73-94 (PGA74-2), (PGA75-1), and (PGA75-2), as well as that portion of the instant docket, Docket No. RP73-94 (PGA76-1) related to the reserves allocation issue.

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 Valley's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[6] 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 Valley 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, Valley shall file a list of these 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 Valley'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.

Valley 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.[6]

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 Valley'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 in the "130% formula" in Opinion No. 742 and the amounts in the proposed surcharge, indicates that they comply with the standards set forth in Docket No. R-406. Accordingly, we shall permit Valley 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% formula" in Opinion No. 742 and the proposed surcharge to clear the Deferred Account.

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 Valley'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 Valley be permitted to file, to become effective January 1, 1976, a revised tariff sheet reflecting the elimi-

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[1] Fifth Revised Sheet No. 2A to FPC Gas Tariff, Original Volume No. 1.

[2] The orders suspending Valley's three previous PGA filings are: *Valley Gas Transmission, Inc.*, — FPC — issued July 26, 1974, in Docket No. RP73-94 (PGA74-2); — FPC — issued February 6, 1975, in Docket Nos. RP73-94 (PGA75-1) *et al.*; and — FPC — issued June 30, 1975, in Docket Nos. RP73-94 (PGA75-2) *et al.*

[3] — FPC — issued August 28, 1975, in Docket No. R-393.

[4] As already noted, Valley's current rates proposed to become effective January 1, 1976, absent the surcharge for past periods, reflects the settlement allocation of the disputed reserves.

[5] — FPC — issued August 28, 1975, in Docket No. R-393.

[6] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

nation of: (1) purchased gas costs associated with the portion of small producer purchases in excess of the rate levels established in Opinion No. 742 and (2) costs associated with the surcharge to clear the Referred Account.

(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 and costs associated with the proposed surcharge to clear the Deferred Account have been reviewed and found to be in compliance with the standards set forth in Docket No. R–406.

The Commission orders: (A) In Valley's next semi-annual PGA filing, Valley shall adjust its Deferred Purchase Gas Cost Account, and shall reflect such adjustment in its revised PGA rate surcharge, to reflect the rate effect of the settlement allocation of the Petronilla and Luby Fields issued in Docket Nos. G–19618, et al. for all periods prior to January 1, 1976, which are covered by the surcharge rate in Docket No. RP73–94 (PGA76–1) as well as the past periods covered by Docket Nos. RP73–94 (PGA 74–2) (PGA75–1) and (PGA75–2). Valley's calculations shall be shown in detail along with detailed workpapers and other information necessary to explain and support the adjustments.

(B) 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, N.E., Washington, D.C. 20426, to determine the lawfulness of Valley'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 No. 742.

(C) Within 15 days of the date of this order, Valley 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 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.

(D) 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 Valley in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP73–94 (PGA76–1).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission Rules of Practice and Procedure. He shall also preside at a pre-hearing conference to be held on February 17 1976 at 10:00 A.M., in a hearing room at the address noted in ordering paragraph (A) for the purpose of setting dates for the presentation of Valley's direct testimony, the small producer respondent's direct testimony, the Staff's and any intervenor's direct testimony, Valley's rebuttal evidence, and the hearing.

(F) Valley'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.

(G) Within 15 days of the date of issuance of this order, Valley may file a revised tariff sheet to become effective January 1, 1976, which reflects those claimed increased purchased gas costs contained in Valley's PGA adjustment other than (1) 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 No. 742 and (2) costs associated with amounts in the proposed surcharge to clear the Deferred Account.

(H) 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.76–904 Filed 1–12–76;8:45 am]

[Docket No. E–9147 (Phase II)]

VIRGINIA ELECTRIC & POWER CO.

Further Extension of Procedural Dates

JANUARY 2, 1976.

On December 23, 1975, ElectriCities of North Carolina filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued November 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, March 8, 1976.

Service of Staff Testimony, March 29, 1976.

Service of Company Rebuttal, April 19, 1976.

Service of Intervenor Rebuttal May 6, 1976.

Hearing, May 18, 1976 (10:00 a.m., EST).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–908 Filed 1–12–76;8:45 am]

[Project No. 2463]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Annual License

JANUARY 2, 1976.

On June 5, 1975, Virginia Electric and Power Company, Licensee for Park Hydroelectric Project No. 2463, filed an application for surrender of its license. The project is located on the Chesapeake and Ohio Canal paralleling the James River, within the City of Richmond, Virginia.

The license for Project No. 2463, as amended, was issued effective May 1, 1939, for a period ending September 1, 1975. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to give notice of issuance of an annual license to Virginia Electric and Power Company for continued operation and maintenance of Project No. 2463.

Take notice that an annual license is issued to Virginia Electric and Power Company (Licensee) under the Federal Power Act for the period September 2, 1975, to September 1, 1976, or until Federal takeover, or until Licensee's application for surrender of the project license is accepted, whichever comes first, for the continued operation and maintenance of Park Hydroelectric Project No. 2463, subject to the terms and conditions of its original license, as amended.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–909 Filed 1–12–76;8:45 am]

COMMISSION OF FINE ARTS

MEETING

JANUARY 5, 1976.

The Commission of Fine Arts announces a public meeting to be held at 10:30 a.m., Tuesday, January 27, 1976, at 708 Jackson Place, NW., Washington, D.C., to discuss the matters set forth in the attached tentative agenda.

Immediately before such meeting, the Commission will meet in executive session to discuss appointments to the Joint Committee on Landmarks and to be briefed on and to discuss design studies for the west end of Pennsylvania Avenue in Washington, D.C. Such session, starting at 9:30 a.m., will be closed to the public by authority of Section 10(d) of Title 5, Appendix I, United States Code.

The selection of appointees to the Joint Committee on Landmarks requires a frank and uninhibited exchange of ideas as exempted from disclosure by Subsection 552(b)(2) of Title 5, United States Code. Such exchange and the frank discussion of individual qualifications would be unduly inhibited and restrained by the presence of members of the public. In addition, the discussion in public of personnel under consideration for such appointments would constitute a clearly unwarranted invasion of personal privacy as exempted from disclosure by Subsection 552(b)(6) of Title 5.

Preliminary discussions of design studies for the west end of Pennsylvania Avenue similarly require a frank and uninhibited exchange of tentative views as exempted from disclosure by Subsection 552(b)(2) of Title 5. These design studies involve a visual and traffic upgrading of that area of Pennsylvania

Avenue between 13th and 15th Streets, N.W. This shall include the preservation and restoration of certain historic structures, some of which are in private ownership; rerouting of automobile and pedestrian traffic; maintaining the visual axis between the White House and the United States Capitol; development of a memorial to General Pershing in Square 226; and the new paving, landscaping, and structures required to accomplish this. Review and evaluation of previous Commission of Fine Arts actions on this area which affect positions of various District of Columbia, Federal, and quasi-public agencies and the development potential of private real estate are anticipated. The Commission's closed discussion, if made public, could have an effect on private real estate values and speculation, as well as the reputations of various designers and individuals involved with this series of inter-agency projects. Along with this will be a review of other efforts at achieving the best possible urban design for this area, which has concerned the Commission of Fine Arts since 1910. While any action with respect to such design and the materials used by the Commission of Fine Arts in making its decision will be presented in open discussion or in written reports available for public inspection, the exchange of initial views and tentative and subjective positions and the presentation of assumptions and conclusions arguendo must be frank and candid if the Commission's advice with respect thereto is to reflect the best possible judgment and opinions of its members. Tentative inidvidual opinions, preliminary judgments, and policy positions will be so integrated throughout the deliberations with factual matters that separation would not be feasible.

The Freedom of Information Act authorizes the exemption from disclosure of inter- and intra-agency memoranda and letters where the documents are not final determinations and such exemptions are necessary to prevent the inhibition of predecisional processes (5 U.S.C. 552(b)(2)). The deliberative process by which the Commission of Fine Arts arrives at independent judgments is a predecisional process which must remain uninhibited and thus undisclosed in order that the Commission may effectively perform its statutory functions. This process is therefore, within the above exemptions of the Freedom of Information Act extended to advisory committees through the Federal Advisory Committees Act.

By authority of Section 10(d) of Public Law 92-463, the Federal Advisory Committees Act, the Director of the Office of Management and Budget has determined that the session of the Commission of Fine Arts starting at 9:30 a.m. on January 27, 1976, will concern matters within Section 552(b) (5) and (6) of Title 5, United States Code, and therefore shall not be open to the public.

Inquiries regarding the following tentative agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address. Phone inquiries regarding the meeting should be made to Mr. Atherton at Area Code 202/343-5324.

MEETING OF THE COMMISSION OF FINE ARTS JANUARY 27, 1976

I. Administration.

A. Proposed Appointment of Members to the Joint Committee on Landmarks.

B. Capitol Hill Historic District, Joint Committee on Landmarks Hearing—Report.

II. Submissions-reviews.

A. *Pennsylvania Avenue Development Corporation.*—Design Studies for Pennsylvania Avenue between 13th and 15th Streets, N.W. and Pershing Memorial Site—Resubmission.

B. *Smithsonian Institution.*—Mall Graphics.

C. *General Services Administration.*—1. Winder Building Restoration—Resubmission.

2. Landscaping of Heating Plant east of Pentagon.

D. *D.C. Government, Department of Economic Development Old Georgetown Act.*—1. OG 76-?, 300 M Street, N.W., Office/Hotel/Commercial Development.

2. Appendix 1.

Shipstead-Luce Act.—Appendix 2.

E. *D.C. Government, Department of Housing and Community Development.*—"Streets for People" Pay Telephone Booths.

F. *Department of the Treasury, Bureau of the Mint.*

1. 1975 Medal: Obverse, Paul Revere; reverse, Minute Man.

2. 1976 Medal: Obverse, Thomas Jefferson; reverse, Declaration of Independence.

3. 1976 National Medal: Obverse, Statute of Liberty; reverse, Great Seal.

III. Legislation.

H.R. 10485, 94th Congress, "To amend Title 5, United States Code, to prohibit maintenance of local offices by executive agencies, and for other purposes."

IV. Inspections.

Freer Gallery.—Inspection of Objects for Acquisition.

CHARES H. ATHERTON,
Secretary.

[FR Doc.76-1097 Filed 1-12-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on January 6, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB record retention requirements are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before February 2, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request has been submitted for an extension no change clearance of the record-retention requirements of Parts 207—Charter Trips and Special Services; 208—Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation; 212—Charter Trips by Foreign Air Carrier Permits Authorizing Charter Transportation Only. The objective of the regulations is to require that supplemental air carriers, certificated route air carriers and foreign route air carriers and foreign charter air carriers, which operate charter trips originating in the United States, provide security protection for customers' deposits made with such carriers for charter flights.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.78-1028 Filed 1-12-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation D-52]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Attorney General of the United States to perform all functions in connection with the leasing of facilities for use as Community Treatment Centers authorized by 18 U.S.C. 4082.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall remain in effect until revoked.

4. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to preform all functions in connection with the leasing of space for use as Community Treatment Centers for terms not in excess of 1 year.

b. The Attorney General may redelegate this authority to any official or employee of the Department of Justice.

c. This authority shall be exercised in accordance with the applicable limitations and requirements of the abovecited Act, section 322 of the Act of

June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

Dated: December 24, 1975.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-945 Filed 1-12-76;8:45 am]

[Temporary Regulation F-367]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the Consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission, involving the application of the Mountain Bell Telephone and Telegraph Company for increases in its intrastate rates and charges (Docket No. 9981-E-1051).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: December 30, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.76-946 Filed 1-12-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-3]

FOREIGN EXCLUSIVE PATENT LICENSE

Notice of Intent To Grant

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, exclusive patent licenses in Japan for the two NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Patent No. 3,782,177 for "Method and Apparatus for Nondestructive Testing", issued to NASA on January 1, 1974; and (2) U.S. Patent No. 3,891,452 for "Refractory Porcelain Enamel Passive Control Coating for High Temperature Alloys", issued to NASA on June 24, 1975. Copies of the above identified U.S. Patents can be purchased from the U.S. Patent Office, Department of Commerce, Washington, D.C., 20231 for $.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

Dated: January 7, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76-752 Filed 1-12-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The amendment would permit installation of modifications to the reactor building crane. In addition, Limiting Conditions for Operation and Surveillance Requirements will be included in the Technical Specifications, Appendix A to the Provisional Operating License, which will assure safe operation and continued surveillance of the modified reactor building crane.

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 12, 1976, the licensees 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 Provisional 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 William H. Cuddy Esq., Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from D. L. Ziemann to D. C. Switzer dated June 22, 1973, the letter from D. C. Switzer to Director, Directorate of Licensing, U.S. Atomic Energy Commission dated June 29, 1973, the letter from D. C. Switzer to D. L. Ziemann dated September 28, 1973 and the letter from G. Lear to D. C. Switzer dated December 30, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The proposed License amendment and the Safety Evaluation, 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, when they become available.

Dated at Bethesda, Maryland, this 30th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76-1035 Filed 1-12-76;8:45 am]

PRIVACY ACT OF 1974

Notice of Systems of Records; Corrections and Minor Amendments

On October 1, 1975, the Nuclear Regulatory Commission published in the

FEDERAL REGISTER (40 FR 45332) notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

The amendments of the NRC Systems of Records set forth below change the System Manager for NRC–3 Byproduct Material License Records, and NRC–32 Source and Special Nuclear Material Administrative Management Records, from the Director, Division of Administrative Operations to the Director, Division of Fuel Cycle and Material Safety. The amendments also make a number of minor corrections and editorial changes.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of title 5 of the United States Code, the following amendments to the Notices of Systems of Records are published as a document subject to publication in the annual compilation of Privacy Act documents.

1. Item 10 of the table of contents of the NRC Systems of Records is corrected by deleting "(FOIS)" and substituting "(FOIA)".

2. In NRC–3 and NRC–32 the item entitled "System manager(s) and address:" is revised to read as follows:

System manager(s) and address:

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

3. In NRC–4, the item entitled "Contesting record procedures:" appearing immediately following the item entitled "System manager(s) and address:" is corrected to read "Notification procedures:".

4. In NRC–5 the item entitled "Record source categories:" is transferred to appear immediately following the item entitled "Contesting record procedures:".

5. In NRC–7 and NRC–12 the item entitled "System manager(s) and addresses:" is amended by adding "Office of Administration" immediately following "Division of Administrative Operations".

6. In NRC–14 and NRC–23 the item entitled "System manager(s) and address:" is amended by adding "Office of Administration" immediately following "Division of Organization and Personnel".

7. In NRC–16 the item entitled "Categories of records in the system:" is revised to read as follows:

Categories of records in the system: These records contain information relating to the application for a license, certification of competency, certification of medical history and results of medical examination and related correspondence, operator examination and examination results, and license or denial letter.

8. In NRC–18 the word "Information" in the item entitled "Record access procedures:" is corrected to read "Information".

9. In NRC–19 the word "in?ormation" in the item entitled "Categories of records in the system:" is corrected to read "information".

10. In NRC–20 the item entitled "Categories of records in the system:" is amended by adding "and Vouchers" immediately following "Travel Vouchers".

11. In NRC–20 and NRC–21 the item entitled "System manager(s) and address:" is revised to read as follows:

System manager(s) and address:

Controller, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

12. In NRC–25 the item entitled "Storage:" is amended by deleting "5 x 8′ ?orm" and substituting therefor "5 x 8 form"; the item entitled "Retention and disposal:" is amended by deleting the "N" at the end thereof; and the title "System manager(s) and address:" is added immediately following the item entitled "Retention and disposal:".

13. In NRC–31 the item entitled "Routine uses . . ." is amended by correcting the word "?or" to read "for" and the item entitled "Safeguards:" is amended by correcting the word "staf?s" to read "staffs".

14. In NRC–32 the item entitled "Routine uses . . ." is amended by correcting the word "?or" to read "for".

Effective date. These amendments become effective on January 14, 1976.

(5 U.S.C. 552a(e)(4).)

Dated at Bethesda, Maryland this 8th day of December 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76–1117 Filed 1–12–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11981; SR–CSE–1975–4]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

JANUARY 6, 1976.

In the Matter of the Cincinnati Stock Exchange, 205 Dixie Terminal Bldg., Cincinnati, Ohio 45202.

On November 7, 1975, the Cincinnati Stock Exchange (the "CSE") filed with the Commission, purusant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act"), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29, § 16 (June 4, 1975), and Rule 19b–4 thereunder, copies of a proposed rule change. Additional information concerning the proposed rule change was supplied in a letter from the CSE dated December 24, 1975, at which time the CSE also consented to an extension of the time period for consideration of the proposed rule change.

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. 11837, (November 17, 1975)) and by publication in the FEDERAL REGISTER (40 Fed. Reg. 54312 (November 21, 1975)).

The proposed rule change would open the CSE's Access Program to any member of another national securities exchange, with a minimum net capital in compliance with Securities Exchange Act Rule 15c3–1, the primary purpose of whose business is the transaction of business as a broker or dealer in securities. The Access Program permits certain approved non-members to execute commission orders on the CSE for a period of one year. In addition, the proposed rule change would reduce the fee for extending participation in the Access Program on a yearly basis from $250 to $100.

Participants in the CSE Access Program are permitted to use the trading facilities of the CSE; however, they are not entitled to vote on matters pertaining to the CSE or to share in the assets of the CSE. Transactions for Access Participants are executed on the CSE by assigned CSE floor brokers, though an access participant may request that his transactions be executed by a specific floor broker. When the transaction is executed, the Access Participant's name appears on the CSE confirmation tickets. Access Participants may have their trades cleared through the Midwest Clearing Corporation, if they are members of that organization, or may clear their trades directly. All commissions for business performed by floor brokers for Access Participants are negotiated.

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. In particular, the proposed rule change is consistent with the requirements of Section 6(b)(5), which provides that the rules of a national securities exchange should be designed to, among other things, remove impediments to and perfect the mechanism of a free and open market.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change 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.76–855 Filed 1–12–76;8:45 am]

DONALD S. CHILDS

Temporary Suspension Order and Notice of Opportunity for Hearing

DECEMBER 30, 1975.

In the matter of an offering sheet filed by DONALD S. CHILDS (File No. 20–1998A1).

On March 4, 1974, covering non-producing working interests in the Donald S. Childs—Southwest Muskrat Prospect.

Donald S. Childs ("Offeror") having filed an offering sheet on March 4, 1974, with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proproposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet, that:

1. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(a) [17 CFR 230.316(a)] in that the required Form 1-G was not and has not been filed with the Commission.

2. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(b) [17 CFR 230.316(b)] in that the required Form 3-G was not and has not been filed with the Commission.

3. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 330(a) and (b) [17 CFR 230..330(a) and (b)] in that the offeror filed an offering sheet relating to the Southwest Muskrat Project with the Commission and delivered copies thereof to prospective investors when such offering sheets made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, including but not limited to the following:

(a) the offeror reported that all monies raised from investors in the Southwest Muskrat Prospect would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) the offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) the offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit but would be and were converted by the offeror.

4. The offering was made in violation of the anti-fraud provisions of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder, in that the offeror, while engaged in the offer and sale of fractional undivided interests in the Southwest Muskrat Prospect, directly and indirectly made use of the mails and means and instruments of transportation and communication in interstate commerce and of the means and instrumentalities of interstate commerce, and in such connection with such offer and sale made to prospective investors and purchasers untrue statements of material facts and omitted to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, including but not limited to:

(a) the offeror represented that all monies raised from investors in the Southwest Muskrat Prospect would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) the offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) the offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit but would be and were converted by the offeror.

5. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 324 [17 CFR 230.327] in that one interest in the offering was sold on the basis of an offering sheet which was no longer effective.

It is ordered, pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered that each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's Rules of Practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-854 Filed 1-12-76;8:45 am]

[Release No. 19331]

GULF POWER CO.

Notice of Proposed Agreement

JANUARY 6, 1976.

Notice is hereby given that Gulf Power Company ("Gulf") Pensacola, Florida, (70-5783), an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), and 12(d) of the Act and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf owns an electric generating plant located in Escambia County, Florida, ("County"). In order to comply with environmental control standards with respect to air and water quality, Gulf has and will undertake to construct certain facilities ("Project") at this plant solely for this purpose. The total cost of the Project is presently estimated not to exceed $18 million.

To finance the Project, Gulf proposes to enter into an Installment Sales Agreement ("Agreement") with the County which will provide for the acquisition, construction and equipping of the Project by the County, and the issuance by the County, pursuant to an indenture ("Indenture") to be entered into between the County and an indenture trustee ("Trustee"), of its pollution control revenue bonds ("Pollution Bonds"), in an amount not to exceed $18 million. The proceeds of the sale of Pollution Bonds will be deposited by the County with the Trustee and will be applied to the payment of the cost of construction (as defined in the Agreement) of the Project.

It is further proposed, and the Agreement provides, that the Project will be sold to Gulf, the purchase price to be paid in semi-annual installments over a term of years. The purchase price shall be in an amount sufficient to pay the principal and interest on the Pollution Bonds as such amounts become due and payable. Gulf may prepay the purchase price (a) in whole or in part, at Gulf's option, at any time on or after ten years from the date of issuance of the Pollution Bonds, subject to payment of a premium equal initially to 3% of the principal amount and declining thereafter by ½ of 1% per year, and (b) in whole, at Gulf's option in certain other specified instances, without premium.

In order to obtain the benefit of a rating for the Pollution Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under Gulf's bond indenture ("Mortgage"), Gulf proposes to issue a series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, pursuant to a supplemental indenture ("Supplemental Mortgage"). The Collateral Bonds, to be issued in a principal amount equal to the principal amount of the Pollution Bonds, will be deposited with the Trustee as security for Gulf's obligations under the Agreement. The Collateral Bonds will have a stated interest rate equal to the interest rate per annum to be borne by the Pollution Bonds, will mature on the maturity date of such Pollution Bonds, and will be non-transferable. The Supplemental Mortgage will provide, however, that until the Trustee shall have demanded mandatory redemption of the Collateral Bonds, no interest in respect of the Collateral Bonds shall be payable; and that upon acceleration of Pollution Bonds then outstanding by the Trustee, he may demand the mandatory redemption of the Collateral Bonds at a price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The Indenture will provide that, upon deposit of funds with or direction to the Trustee by Gulf to apply available funds, or upon delivery of outstanding Pollution Bonds sufficient to pay or redeem all or any part of the Pollution Bonds, the Trustee will be obligated to deliver to Gulf Collateral Bonds in an aggregate principal amount equal to that amount of Pollution Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

It is stated that the Pollution Bonds are expected to be marketed pursuant to an arrangement between the County and a group of underwriters represented by an underwriter whose name will be supplied by amendment. In accordance with the laws of the State of Florida, the interest rate thereon will be fixed by the County, and the terms and sale of the Pollution Bonds must be satisfactory to Gulf, although Gulf will not be a party to the underwriting arrangement. The terms of the Pollution Bonds contain sinking fund provisions, which, in the aggregate, will retire at least twenty-five percent of the original issue by its final maturity date. Gulf further states that it is expected that the interest payable on the Pollution Bonds will be exempt, by ruling of the Internal Revenue Service, from federal income taxation. It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Pollution Bonds, but Gulf is advised that tax-exempt bonds of like quality and tenor have historically carried an annual interest rate approximately one and one-half to two and one-half percent lower than comparable taxable long-term corporate bonds.

In order to comply with provisions of Florida law authorizing the County to issue its revenue bonds for the purposes heretofore described, Gulf will be obligated to convey to the County such existing pollution control facilities as are now owned by Gulf, subject to the Mortgage. The Agreements provide that Gulf will receive, out of the proceeds of the Pollution Bonds, an amount equal to Gulf's original cost for such existing facilities, which, upon conveyance to the County, will become a part of the Project which Gulf proposes to purchase as provided in the Agreement.

For financial and accounting reporting purposes, the indebtedness of Gulf under the Collateral Bonds will be capitalized. A statement of the fees, commissions and expenses paid or incurred, or to be paid or incurred, in connection with the proposed transaction will be supplied by amendment. It is stated that the Florida Public Service Commission has jurisdiction over, and will have expressly authorized, the issuance of Gulf's Collateral Bonds and the assumption by Gulf of its obligations under the Agreement. Gulf submits that the issuance and delivery of its Collateral Bonds to the County should be exempted from the competitive bidding requirements of Rule 50 by reason of clause (a)(5) thereof inasmuch as they are to be issued and delivered solely to secure Gulf's obligations to the County and no public offering by Gulf is to be made. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.7-856 Filed 1-12-76;8:45 am]

[Release No. 11982; SR-MSE-75-4]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 6, 1976.

In the Matter of MIDWEST STOCK EXCHANGE, INC., 120 S. LaSalle Street, Chicago, Illinois 60603.

On November 24, 1975, the Midwest Stock Exchange, Inc. ("MSE") 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 reduces to six months from one year the time period within which, under certain circumstances, the President of the Exchange may sell the membership of a member.

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. 11867, November 26, 1975) and by publication in the FEDERAL REGISTER (40 FR 56507 (December 3, 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 November 24, 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.76-858 Filed 1-12-76;8:45 am]

[File No. 1-7311]

PUBCO CORPORATION

Notice of Application To Withdraw From Listing and Registration

JANUARY 7, 1976.

In the matter of Pubco Corporation, Common stock, $.40 par value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified

security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Boston Stock Exchange has not objected to this application to withdraw, and the Company states that it will be registered under Section 12(g) of the Securities Exchange Act of 1934 and that it will continue to file periodic reports as required.

Any interested person may, on or before February 5, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-857 Filed 1-12-76;8:45 am]

[Release No. 34-11984; File No. SR-PSD-75-2]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on December 29, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The Pacific Securities Depository Trust Company ("PSD") proposes to amend its fee schedule, setting forth those changes imposed against its participants for services rendered by PSD. The proposed fee schedule is set forth below:

Dues:
- $200/month for first account, $35/month for each additional account.
- $100/month per specialist post (flat charge).
- Pledge Banks—$100/month for the first account, $50/month for each additional account.

Receipt and delivery:
- Physical deposit—$0.30/ item.
- Automatic Allocation from Clearing—$0.40/entry.
- Release to PCC net-by-net system—$0.40/entry.
- Movements between participants—$0.40/entry.
- Physical withdrawal—$0.75/item plus $0.10/100 shares (stocks) or $0.10/$1,000 value (bonds); $2.50 maximum.

Special instruction or release to correspondent: Same as physical withdrawal plus courier charges.

Custody fees:
- Stocks—$0.02/line/business day plus $0.005 per 100 shares (average daily position).
- Bonds—$0.02/line/business day plus $0.005 per $1,000 par value (average daily position).

Collateral loan: Release to and from collateral loan $0.50/entry.

Stock loan:
- Release to and from stock loan—$0.50/entry.
- $0.05 per $1,000 of stock loan value/day.

Dividend: $0.25/item.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed change is as follows:

The proposed increases in PSD fees are intended to generate additional revenues to meet rising expenses. The increases in fees are consistent with increased expenses in those functional areas in which the fees are being raised.

The proposed rule change, by changing the fees chargeable against participants, reflects the increased expenses of the clearing agency and relates to the equitable allocation of dues, fees and other charges among its participants.

Comments on the proposed amendment have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or within three weeks, after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 6, 1976.

[FR Doc.76-1006 Filed 1-12-76;8:45 am]

[Admin. Proc. File Nos. 3-4817; 81-184]

DARIN & ARMSTRONG, INC.

Application and Opportunity for Hearing

JANUARY 6, 1976.

Notice is hereby given that Darin & Armstrong, Inc. ("Applicant"), a Michigan corporation, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from filing the quarterly reports on Form 10-Q required by the provisions of sections 13 and 15(d) of the 1934 Act.

Section 13 provides that each issuer of a security which is registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 15(d) provides that each issuer that has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy soliciation provisions under sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part:

1. In August 1975, Applicant filed a registration statement covering shares of common stock to be issued in connection with an employee stock option plan and an employee stock purchase plan.

2. As of November 7, 1975, Applicant had 132 shareholders of record, all of whom were employees of Applicant, with the exception of an employee profit sharing trust.

3. It is Applicant's policy to sell its stock only to employees, at a price based on book value as of the end of the last fiscal year. Applicant has the option to repurchase shares of each employee-stockholder upon termination of employment, or upon attempted resale to a third party. There is no public market for the common stock.

4. Applicant's quarterly financial statements may not be representative of the total fiscal year or comparable to the equivalent period of the preceding fiscal

year, because of the seasonality of Applicant's business and because Applicant's method of accounting records revenue and income on a completed contract basis.

Applicant argues that no useful purpose would be served by filing quarterly reports, since the reports would not contain meaningful information and there are no employee purchase decisions made on the basis of quarterly financial statements.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than January 30, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-1002 Filed 1-12-76;8:45 am]

[Rel. No. 33-5666; File No. 20-1998A1]

DONALD S. CHILDS

Temporary Suspension Order and Notice of Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Donald S. Childs:

(File No. 20-1998A1) on March 4, 1974, covering non-producing working interests in the Donald S. Childs—Southwest Muskrat Prospect.

Donald S. Childs having filed the above offering sheet with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet that:

1. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(a) [17 CFR 230.316(a)] in that the required Form 1-G was not and has not been filed with the Commission.

2. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(b) [17 CFR 230.316(b)] in that the required Form 3-G was not and has not been filed with the Commission.

3. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 330 (a) and (b) [17 CFR 230.330 (a) and (b)] in that the offeror filed an offering sheet relating to the Southwest Muskrat Project with the Commission and delivered copies thereof to prospective investors when such offering sheets made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, including but not limited to the following:

(a) the offeror reported that all monies raised from investors in the Southwest Muskart Prospect would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) the offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) the offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit but would be and were converted by the offeror.

4. The offering was made in violation of the anti-fraud provisions of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder, in that the offeror, while engaged in the offer and sale of fractional undivided interests in the Southwest Muskrat Prospect, directly and indirectly made use of the mails and means and instruments of transportation and communication in interstate commerce and of the means and instrumentalities of interstate commerce, and in such connection with such offer and sale made to prospective investors and purchasers untrue statements of material facts and omitted to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, including but not limited to:

(a) the offeror represented that all monies raised from investors in the Southwest Muskrat Prospect would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) the offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) the offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit but would be and were converted by the offerer.

5. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 324 [17 CFR 230.324] in that one interest in the offering was sold on the basis of an offering sheet which was no longer effective.

It is ordered, pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered that each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that if such a person does request a hearing pursuant to rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's Rules of Practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 6, 1976.

[FR Doc.76-1005 Filed 1-12-76;8:45 am]

[File No. 500-1]

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Suspension of Trading

JANUARY 7, 1976.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Coast Stock Exchange, PBW

Stock Exchange and Boston Stock Exchange, the voting preference $1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred $1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred $6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5⅞% convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11% senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 8, 1976 through January 17, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1003 Filed 1-12-76;8:45 am]

[Rel. No. 19332; 70-5786]

SOUTHWESTERN ELECTRIC POWER CO. AND CENTRAL & SOUTH WEST CORP.

Proposed Capital Contribution by Holding Company to Subsidiary

JANUARY 7, 1976.

In the matter of Southwestern Electric Power Company, P.O. Box 1106, Shreveport, Louisiana 71156. Central and South West Corporation, P.O. Box 1631, Wilmington, Delaware 19899.

Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, and Southwestern Electric Power Company ("SWEPCO"), one of CSW's electric utility subsidiary companies, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7, 9, 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to make a $20,000,000 capital contribution to SWEPCO. The capital contribution will be added to SWEPCO's common stock capital account and will be used together with other funds for SWEPCO's 1976 construction and fuel exploration and development expenditures. SWEPCO states that it expects to spend approximately the following amounts for construction of plant and for fuel exploration and development in 1976:

Generation	$63,799,000
Transmission	19,409,000
Distribution and other plant	12,760,000
Fuel exploration and development	6,277,000
Total	102,245,000

Notice is further given that any interested person may, not later than February 2, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-1004 Filed 1-12-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

BANKERS' CAPITAL CORP.

[PROPOSED LICENSE NO. 07/07-0075]

Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 C.F.R. Section 107.102 (1975)) under the name of Bankers Capital Corporation, 4049 Pennsylvania, Kansas City, Missouri 64111, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Name	*Title*
Raymond Edward Glasnapp 5306 Sunset Drive Kansas City, Missouri 64112	President, Treasurer Director, 50% Shareholder
Erma Lee Glasnapp 5306 Sunset Drive Kansas City, Missouri 64112	Vice President, Secretary Director, 50% Shareholder

There is to be only one class of stock (authorized 100,000 shares of common stock with a par value of $10 per share). The company proposes to commence operations with a capitalization of $302,000. It plans to increase this to $500,000 within the first year of operation. Applicant proposes to conduct its operations principally in the State of Missouri and in other areas of the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Kansas City, Missouri.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: December 29, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-959 Filed 1-12-76;8:45 am]

[Declaration of Disaster Loan Area No. 1204]

OREGON

Declaration of Disaster Loan Area

Tillamook County and adjacent counties within the State of Oregon constitute a disaster area because of damage resulting from flooding which occurred December 5 through 8, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on

March 1, 1976, and for economic injury until the close of business on September 30, 1976, at:

Small Business Administration, District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, Oregon 97205.

or other locally announced locations.

Dated: December 30, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-957 Filed 1-12-76;8:45 am]

[Declaration of Disaster Loan Area #1202; Amdt. 1]

WASHINGTON

Declaration of Disaster Loan Area

The above numbered Declaration (See 40 FR 59798) is amended by adding Benton, Cowlitz, Kittitas, Mason, Thurston and Yakima Counties and adjacent counties within the State of Washington, and the time for filing applications is extended to February 20, 1976, for physical damage and September 20, 1976, for economic injury.

Dated: December 24, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-958 Filed 1-12-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

KENTUCKY STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER (38 FR 20322) of the approval of the Kentucky plan and the adoption of Subpart Q to Part 1952 containing the decision.

The Kentucky plan provides for the adoption of Federal standards as State standards after public hearing. By letters dated October 10, 1975, and October 27, 1975, from George R. Wagoner, Acting Commissioner, Kentucky Department of Labor to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, the State submitted amended State standards comparable to OSHA standards 29 CFR Part 1910, excluding § 1910.13 through § 1910.16 (Maritime), as published in the FEDERAL REGISTER (39 FR 23502) dated June 27, 1974 and 29 CFR Part 1926 as published in the FEDERAL REGISTER (39 FR 22801) dated June 24, 1974 as follows: amendments to § 1910.267a dated August 12, 1974; § 1910.93q dated October 4, 1974; amendments to § 1910.211 dated December 3, 1974; amendments to § 1910.217 dated December 3, 1974; amendments to § 1910.67, § 1910.70, § 1910.183, § 1910.189, § 1910.190, § 1910.268, § 1910.274, § 1910.275 dated March 26, 1975; correction to § 1910.106 dated January 27, 1975; amendments to § 1926.750(b)(2) dated July 2, 1974.

These standards were promulgated by a Standards Board meeting on June 12, 1975, filing with the Legislative Research Commission on June 25, 1975, publication in the Kentucky Administrative Register on August 1, 1975, and review by the Administrative Regulation Review Subcommittee on September 10, 1975; and by a Standards Board meeting on September 17, 1975, and Executive Order signed by the Governor and filed with the Legislative Research Commission on October 2, 1975, pursuant to the Kentucky Occupational Safety and Health Act and Chapter 13, Kentucky Revised Statutes.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards with the following exceptions:

a. Hard hats are required on all construction sites.

b. Material hoists manufactured prior to January 1, 1970, may use a drum pitch diameter of 18 times nominal rope diameter if rope flexibility is at least equivalent to 6 x 37 in flexibility.

c. Toeboards are not required on the loading side of platforms which are loaded by high lift tractor or fork truck provided employees are not permitted beneath the scaffolding.

d. Ground fault circuit protectors are not required for single phase 15- and 20-ampere receptable outlets on construction sites.

e. Doors are not required for water closet compartments. The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Towers, 12th Floor, Frankfort, Kentucky 40601; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review purocess or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Kentucky State Plan as a proposed change in making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 13, 1976.

(Sec. 18, Pub. L. 91-596; 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia this 17th day of November, 1975.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.76-995 Filed 1-12-76;8:45 am]

UTAH

Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, a notice was published in the FEDERAL REGISTER of the approval of the Utah plan and of the adoption of Subpart E of Part 1952 containing the decision (38 FR 1178). On June 19, 1975, the State of Utah submitted a supplement to the plan involving a State initiated change to the plan (see Subpart E of 29 CFR Part 1953).

The supplement consists of changes in Part I, Administrative Provisions; Part II, Standards; and Part III, Enforcement of the State plan. The supplement is generally an update of the plan which expands on the roles, duties, and responsibilities of officials within the Occupational Safety and Health Division and those heads of State agencies with functions relating to occupational safety and health. Changes incorporated into the standards and enforcement sections of the plan are changes which were approved previously.

2. *Location of the Supplement for Inspection and Copying.* A copy of the plan and its supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Occupational Safety and Health Administration, Room 15010, Federal Building, 1916 Stout Street, Denver, Colorado 80202; Utah Industrial Commission, 350 East Fifth South, Salt Lake City, Utah 54111.

3. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary of La-

bor for Occupational Safety and Health may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing Utah's revisions to the plan for public comment because the changes either have no impact on program effectiveness or they were approved previously.

Signed at Washington, D.C. this 7th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-996 Filed 1-12-76;8:45 am]

Office of the Secretary

[TA-W-320]

CLAREMONT WOVEN LABEL COMPANY, INC.

Notice of 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-320: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 7, 1975 in response to a worker petition received on November 7, 1975 which was filed by workers of the Claremont Woven Label Co. on behalf of workers and former workers producing woven labels at the Claremont Woven Label Company of Claremont, New Hampshire.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54316 and 54319). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Claremont Woven Label Co., its customers, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Imports of woven labels decreased 28 percent from 639,000 pounds in 1970 to 457,000 pounds in 1974. During the first eight months of 1975 imports decreased by 40 percent compared to the same eight month period in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with those produced at Claremont Woven Label Company have not increased as required by section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of January 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-997 Filed 1-12-76;8:45 am]

[TA-W-219]

LEON CLOTHING MFG., INC.

Certification Regarding Eligibility To Apply for Workers Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-219: 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 formerly producing sportcoats at Leon Clothing Mfg., Inc., Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48416) 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 Leon Clothing Mfg., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analyists, 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 34.5 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 15.1 percent in the first nine months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of sportcoats at Leon Clothing Mfg., Inc., declined 59.5 percent in the first nine months of 1975 compared to the first nine months of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

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 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 respectively in 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed in the Department's investigation of Leon Clothing., Inc., reveals that the separation of workers was due to the curtailment of orders from jobbers and wholesalers who were losing business to importers. Leon Clothing's two major customers both indicated that their orders from Leon Clothing were curtailed because their own sales were severely dampened by strong price competition from imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with sportcoats produced at Leon Clothing Mfg., Inc., Boston, Massachusetts 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 sportcoats at Leon Clothing Mfg., Inc., Boston, Massachusetts, 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 6th day of January 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-999 Filed 1-12-76;8:45 am]

[TA-W-249]

SPERRY VICKERS, INC.

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-249; 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 15, 1975 in response to a worker petition received on October 14, 1975 which was filed by workers formerly producing hydraulic pumps at the Joplin, Missouri plant of Sperry Vickers Incorporated, Troy, Michigan, a division of Sperry Rand Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on October 28, 1975, (40 FR 50164). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sperry Vickers, its customers, the Department of Commerce, 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

The average number of production workers at Joplin declined 47.4 percent in the first eleven months of 1975 compared to the like period in 1974. Average weekly hours declined 10.4 percent in the first eleven months of 1975 compared to the like period of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Joplin plant declined 26.7 percent in the first ten months of 1975 compared to the like period of 1974. Production declined 40.5 percent in the first ten months of 1975 compared to the like period of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of hydraulic pumps like or directly competitive with those produced at the Joplin plant are not separately reported on U.S. Tariff Schedules, and thus accurate data on imports of hydraulic pumps was not available.

Major customers of Sperry Vickers have not purchased any imported hydraulic pumps like or directly competitive with those produced at Joplin. Major customers, concentrated in capital goods industries, reduced purchases of hydraulic pumps because of domestic economic conditions.

During 1975, Sperry Vickers opened a new production facility and reorganized operations at existing plants, and this resulted in declines in production and employment at Joplin.

Sperry Vickers has not imported any hydraulic pumps like or directly competitive with those produced at Joplin.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hydraulic pumps produced at the Joplin, Missouri plant of Sperry Vickers, Inc., Troy Michigan, a division of Sperry Rand Corporation, New York, New York, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 7th day of January 1976.

HEBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-998 Filed 1-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 948]

ASSIGNMENT OF HEARINGS

JANUARY 8, 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 87511 Sub 17, Saia Motor Freight Lines, Inc., continued to March 9, 1976 (2 weeks), at Dallas, Tex., at the Downtown Holiday Inn, 1015 Elm Street.

MC 141112, Burwell Ray Gallop, d/b/a Gallop Bus Lines, now assigned January 26, 1976, at Norfolk, Va., is postponed to March 8, 1976 (5 days), at Norfolk, Va.; in Room 8A, Post Office & Court House Bldg., 600 Cranby Street.

MC 136897 (Sub-No. 13), Swift Transportation Company, Inc., now assigned January 27, 1976, at Phoenix, Ariz., will be held at the Arizona Corporation Counsel, Hearing Rm. 2, 2222 West Encanto Blvd.

MC 140756, Fann R. McKelvey d/b/a McKelvey Trucking, now assigned January 28, 1976, at Phoenix, Ariz., will be held at the Arizona Corporation Counsel, Hearing Rm. 2, 2222 West Encanto Blvd.

MC 111422 Sub 7, O. D. Anderson, Inc., now assigned February 3, 1976, at Washington, D.C., is postponed to March 2, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C. I & S 9089, General Increase, December 1975, Williams Pipe Line Company, now being assigned February 23, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub-347, Jenkins Truck Line, Inc., now assigned Jan. 23, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128273 Sub-183, Midwestern Distribution, Inc., now assigned January 26, 1976, at Chicago, Illinois, will be held in Room 1611, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC-C 8598, Big Bear Cartage, Inc., Petition For Declaratory Order, and MC-C 8714, Quick Cartage, Inc., Wesley Albert Diekman Jr., DBA D Air Freight: Am Air Freight, Inc., Big Bear Cartage, Inc., Saurmann Cartage Company, Inc., And Union Freight-Ways, Inc.—Investigation of Operations and Practices, now assigned January 27, 1976, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 106644 Sub-202, Superior Trucking Company, Inc., now assigned January 29, 1976 at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn, St.

MC 113528 Sub-24, Mercury Freight Lines, Inc., now assigned February 2, 1976, at Baton Rouge, La., will be held in the Quality Inn/Prince Murat, 1480 Nicholson Drive.

MC 1380 (Sub-No. 19), Colonial Motor Freight Line, Inc., now assigned February 2, 1976, at Columbia, S.C., is postponed indefinitely.

MC-C-8636, Greyhound Lines, Inc. v. Tennessee Trailways, Inc., now assigned February 18, 1976, at Atlanta, Ga.; will be held in Room 305, 1252 W. Peachtree Street NW.

MC 111729 Sub 535, Purolator Courier Corp., now assigned February 23, 1976, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW., and continued to March 1, 1976, at Nashville, Tenn., in Room A440, U.S. Courthouse, 8th and Broadway and March 22, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1018 Filed 1-12-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 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 28, 1976.

FSA No. 43105—*Chemicals Between Points in Louisiana and Texas and Points in Michigan and Sarnia, Ontario, Canada.* Filed by Southwestern Freight Bureau, Agent (No. B-581), for interested rail carriers. Rates on chemicals and related articles, in tank-car loads, as described in the application, between points in Louisiana and Texas, on the one hand, and Bay City, Midland, Michigan and Sarnia, Ontario, Canada, on the other.

Grounds for relief—Rate relationship and kindred articles.

Tariff—Supplement 42 to Southwestern Freight Bureau, Agent, tariff 12-I, I.C.C. No. 5132. Rates are published to become effective on February 1, 1976.

FSA No. 43106—*Iron or Steel Pipe to Hebco, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-576), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from points in official (including Illinois), southern and western trunk-line territories, to Hebco, Texas.

Grounds for relief—Rate relationship and kindred articles.

Tariff—Supplement 89 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080. Rates are published to become effective on February 4, 1976.

FSA No. 43107—*Newsprint Paper, Also Returned Shipments of Newsprint Paper Winding Cores from and to Points in Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-580), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in southwestern and western trunk-line territories.

Grounds for relief—Carrier and market competition.

Tariff—Supplement 57 to Southwestern Freight Bureau, Agent, tariff 306-F, I.C.C. No. 5104. Rates are published to become effective on February 4, 1976.

FSA No. 43108—*Beet or Cane Sugar to Springdale, Arkansas.* Filed by Southwestern Freight Bureau, Agent (No. B-573), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from Renville, Minnesota, Redco and Wahpeton, N.D., to Springdale, Arkansas.

Grounds for relief—Market competition.

Tariff—Supplement 149 to Southwestern Freight Bureau, Agent, tariff 58-E, I.C.C. No. 4994. Rates are published to become effective on February 12, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-1019 Filed 1-12-76;8:45 am]

[No. 36276] [1]

LOUISVILLE & NASHVILLE RAILROAD

Investigation Into Abandonment of TOFC Services

ORDER

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2nd day of Janu ry 1976.

It appearing, That the Louisville & Nashville Railroad Company (L&N) has proposed to discontinue TOFC service at Clarksville, Cookeville, Lebanon, Morrison, Murfreesborfo, Pulaski, and Sparta, Tennessee, and at Hopkinsville, Kentucky; and,

It further appearing, That the discontinuance of TOFC service at the above-named points may be contrary to the National Transportation Policy; that such discontinuance may be contrary to the L&N's obligations under section 1(4) of the Interstate Commerce Act (Act) to provide transportation upon reasonable request therefor and to provide reasonable facilities for operating through routes, that such discontinuance may be contrary to the L&N's obligation under section 1(6) of the Act to establish and observe just and reasonable practices with respect to the receiving, transporting, and delivery of freight, that such discontinuance may involve the abandonment of a portion of a line of railroad in violation of section 1(18) of the Act; and that such discontinuance may constitute undue or unreasonable preference or prejudice in violation of section 3(1) of the Act;

And it further appearing, That the Commission is entrusted with the duty of promoting and implementing the provisions of the National Transportation Policy and of the Act; that the Commission is uniquely qualified to balance the respective interests of the affected parties, to assess the impact of the considered discontinuance upon the shipping public, and to otherwise measure the reasonableness of the discontinuance in terms of the L&N's common carrier obligations under the Act; that prior instances wherein the Commission has declined to assert jurisdiction to enforce section 1(4) are not necessarily controlling here; and that a reexamination the the Commission's authority in regard to section 1(4) is warranted in light of the decisions in *American Trucking* v. *A. T. & S. F. R. Co.*, 387 U.S. 397 and *Galveston Truck Line Corp.* v. *Ada Motor Lines, Inc.*, 73 M.C.C. 617 [a decision involving section 216(b), the counterpart of section 1(4)], and in light of the order in No. 36095, Investigation Into Lawfulness of Off-Line Limitations Placed on Non-Assigned Hopper Cars, issued November 18, 1974;

Wherefore, and good cause appearing therefor:

It is ordered, That an investigation upon the Commission's own motion be, and it is hereby, instituted pursuant to section 13(2) of the Act in order to resolve the issues raised by the considered discontinuance, including, but not limited to:

(1) The presence or absence of direct shipper competition between points affected by the discontinuance and those for which TOFC service will continue to be offered;

(2) The economic impact of discontinuance upon the affected communities; (3) the financial burden created by continuance of TOFC service; and (4) the adequacy of substitute rail service to the affected points; and that the L & N be made a respondent herein; and,

It is further ordered, That, inasmuch as the issues presented by the instant proceeding and those presented in No. 36086, *Tennessee Public Service Commission* v. *Louisville and Nashville Railroad Co., et al.*, are similar and are susceptible to joint resolution, the proceeding instituted herein and the pending No. 36086 be, and they are hereby, consolidated; and,

It is further ordered, That the Commission's Bureau of Enforcement be directed to participate in the consolidated proceeding; and,

It is further ordered, That all other parties desiring to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date, and that, although individual participation is not precluded, parties having common interests should endeavor to consolidate their presentations to the greatest extent possible in order to conserve time and to avoid expense; and,

It is further ordered, That, as soon as practicable, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made, and that thereafter this proceeding will be assigned for oral hearing or handling under the modified procedure;

And it is further ordered, That a copy of this order be served upon respondent L&N and upon the following interested parties: Tennessee Public Service Commission, Samsonite Corporation, Fleetguard, Inc., Putnam County Chamber of Commerce, Maremont Corporation, Thomas Industries, City of Sparta and White County Chamber of Commerce, Pargas, Inc., and White County Farm Bureau; and that further notice of this

[1] Pursuant to this order, No. 36086, *Tennessee Public Service Commission* v. *Louisville and Nashville Railroad Co. et al.*, is being consolidated with the instant proceeding.

proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-1017 Filed 1-12-76;8:45 am]

[Notice No. 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 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 C.F.R. 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 85255 (Sub-No. 57TA), filed December 22, 1975. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way S., Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Ave., Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, metal cans, can ends, paper packaging materials, beer and related advertising materials, and soft drink beverages*, between Portland, Oreg., on the one hand, and, on the other, Tumwater, Lacey, Olympia, Tacoma, Seattle, Bellevue, Kent, Edmonds, Everett and Bellingham, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Owens Illinois, 1700 South El Camino Real, San Mateo, Calif. 94402. Blitz-Weinhard Company, 1133 West Burnside St., Portland, Oreg. Olympia Brewing Company, P.O. Box 947, Olympia, Wash. 98507. Safeway Stores, Inc., 5725 E. 14th St., Oakland, Calif. 94660, National Can Corporation, 1657 Rollins Road, Burlingame, Calif. 94010. 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 79373 (Sub-No. 15TA), filed December 22, 1975. Applicant: BERTA BROS. TRANSPORTATION, INC., P.O. Box 429, U.S. Highway 50 East, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent acid* (Sulphuric), in bulk, in tank vehicles, from the gas refinery plantsite of the Amoco Oil Company, at Casper, Wyo., to the Cotter Corporation plantsite at or near Canon City, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cotter Corporation, P.O. Box 751, Canon City, Colo. 81212. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 113740 (Sub-No. 6TA), filed December 29, 1975. Applicant: FLEMING-BABCOCK, INC., P.O. Box 107, Platte City, Mo. 64079. Applicant's representative: Lucy Kennard Bell, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Nowata County, Okla., to the Kansas City, Mo., commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Producers Company, 5009 North Pennsylvania No. 105, Oklahoma City, Okla. 73112. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117604 (Sub-No. 10TA), filed December 18, 1975. Applicant: MEADORS FREIGHT LINE, INC., 1080 South River Industrial Blvd. S.E., Atlanta, Ga. 30315. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cartersville, Ga., and Scottsboro, Ala., serving the intermediate points of Gaylesville, Blanche, Fort Payne, Rainsville, Section, Ala., and their commercial zones, also serving the off-route points of Fyffe, Geraldine, Henagar, Ider, Pisgah, Alabama, and their commercial zones, from Cartersville, Ga., over Georgia Highway 20 to the Georgia-Alabama State Line over Alabama Highway 9 to the junction of Alabama Highway 9 and Alabama Highway 35; from the junction of Alabama Highway 9 and Alabama Highway 35 over Alabama Highway 35 to Scottsboro, Ala., and return over the same route serving the off-route points over all available highways from Alabama Highway 35, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 52 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof, which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., Room 546, Atlanta, Ga. 30309.

No. MC 119315 (Sub-No. 19TA), filed December 29, 1975. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtub wall units and fiberglass shower stall units*, from the plantsite of Kohler Co., at Richmond, Mich., to points in Illinois, Indiana, Pennsylvania, Wisconsin, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, West Virginia, Ohio, Minnesota, Iowa, Missouri, Kentucky, Vermont, New Hampshire, Maine, Tennessee, Arkansas, and the District of Columbia, for 180 days. Applicant has also an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kohler Co., Kohler, Wis. 53044. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 120364 (Sub-No. 9TA), filed December 16, 1975. Applicant: A & B FREIGHT LINE, INC., 2800 Falund St., Rockford, Ill. 61109. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers and parts, materials and supplies* on return movements, from the plantsite of The Sycamore Manufacturing Co., Genoa, Ill., to points in the

states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Nebraska, South Dakota and Wisconsin and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Sycamore Manufacturing Co., Genoa, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 120364 (Sub-No. 10TA), filed December 24, 1975. Applicant: A & B FREIGHT LINE, INC., 2800 Falund St., Rockford, Ill. 61109. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gym apparatus, electric welders, lawn equipment*, from the plantsite of Central Quality Industries, Inc., at Polo, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, over irregular routes with materials and supplies on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Quality Industries, Inc., Patricia Colliflower, T/B, Polo, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128007 (Sub-No. 85TA), filed December 22, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, meat scraps, tankage, blood meal, bone meal, and poultry meal*, from Vernon, Moniteau, Jasper, McDonald, Saline, Carroll and Bates Counties, Mo., to points in Arkansas, Oklahoma, Kansas, Texas, and Illinois, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: 3–A Enterprises, Inc., P.O. Box 1023, Council Bluffs, Iowa 51501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128532 (Sub-No. 4TA), filed December 19, 1975. Applicant: LAMBE'S TRUCKING LTD., P.O. Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Idaho, Montana, Oregon and Washington, to ports of entry on the International Boundary line between the United States and Canada, located in the states of Idaho, Montana, and Washington, restricted to traffic moving in foreign commerce. Loads will be transported to points in the Provinces of Alberta and British Columbia, Canada, for which applicant has authority. Also to points in the Province of Saskatchewan by virtue of authority of Brooks Transport Ltd. which applicant has purchased and of which it has control, for 180 days. Supporting shippers: Trus Joist (Western) Ltd., P.O. Box 1060, Claresholm, Alberta, Canada, Canada Forest Products Ltd., 515 53rd Ave., Calgary, Alberta, Canada. Widman Industries, Ltd., 1055 W. Hastings, Vancouver, B.C., Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 129759 (Sub-No. 13TA), filed December 24, 1975. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Post tension strand*, from Springfield, Va., to points in Tennessee, restricted to traffic moving under a continuing contract with Atlas Prestressing Corp., Springfield, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlas Prestressing Corp., 7954 Cameron Brown Ct., Springfield, Va. 22153. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 134838 (Sub-No. 14TA), filed December 29, 1975. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236 (Bolton Station), Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete cooling towers and sections thereof, and accessories and supplies* handled incidental to the erection and completion of concrete cooling towers when moving on the same vehicle with concrete cooling towers and sections thereof, from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to the jobsite at or near Daisy, Tenn.; (2) *Jiggs, tools, equipment, materials and supplies* used in the jobsite erection, installation or construction of items in (1) above (except commodities in bulk, and cement in bags), from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to jobsite at or near Daisy, Tenn., and (3) *Jigs, tools and equipment* defined in (2) above, from the jobsite at or near Daisy, Tenn., to the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., for 180 days. Supporting shipper: Ecodyne Cooling Products Division, P.O. Box 1267, Santa Rosa, Calif. 95403. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 135871 (Sub-No. 19TA), filed December 29, 1975. Applicant: H. G. M. TRANSPORT COMPANY, 123 Duffield Ave., Jersey City, N.J. 07306. Applicant's representative: George A. 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 by department stores and *supplies and equipment* used in the conduct of such business, for the account of S. E. Nichols, Inc., between points in the New York, N.Y. Commercial Zone as defined by the Commission, on the one hand, and, on the other, Annville, Bloomsburg, Chambersburg, Ephrata, Hanover, Lancaster, Reading, Shillington, Wiliamsport, Pa., under a continuing contract with S. E. Nichols, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. E. Nichols, Inc., 500 Eighth Ave., New York, N.Y. 10018. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136343 (Sub-No. 69TA), filed December 23, 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: *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 Beaver Road, Troy, Mich. 98084. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 728 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. 139432 (Sub-No. 4TA), filed December 22, 1975. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and liquid feed supplement*, in bulk in tank vehicles, from the plantsites of Cargill, Inc., at San Diego and Wilmington, Calif., to points in Yuma, Pima, Maricopa and Pinal Counties, Ariz., under a continuing contract

with Cargill, Inc., for 180 days. Supporting shipper: Cargill, Inc., 1412 Cargill Bldg., Minneaspolis, Minn. 55402. Send protests to: A. J. Rodgriguez, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 141595TA, filed December 11, 1975. Applicant: NORCO DELIVERY SERVICE, INC., 1500 Babbitt St., Anaheim, Calif. 92803. Applicant's representative: John Hoskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring the use of special equipment), having a prior or subsequent movement by air, between Los Angeles International Airport and/or Ontario International Airport, on the one hand, and, on the other points in the Los Angeles, Calif., Basin territory; Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway 118, approximately 2 miles west of Chatsworth; easterly along California Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Ave., and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the County road known as Mill Creek Road.

Westerly along Mill Creek Road to the County road 3.8 miles north of Yucaipa; southerly along the said County road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99, northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Ave.; westerly along Brookside Ave., to Barton Ave.; westerly along Barton Ave., and its prolongation to Palm Ave.; westerly along Palm Ave., to La Cadena Drive; southeasterly along La Cadena Drive to Iowa Ave.; southerly along Iowa Ave., to U.S. Highway 60; southwesterly along U.S. Highway 60 and 395 to the County road approximately 1 mile north of Perris; easterly along said County road Via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Ave.; southerly along San Jacinto Ave., to California Highway 74, westerly along California Highway 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka and Santa Fe Railway Company; southwesterly along said right-of-way to Washington Ave.; southerly along Washington Ave., through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said County road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to the point of beginning, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141621 TA, filed December 29, 1975. Applicant: CHARLES ORTIZ, 311 Soundview Ave., Bronx, N.Y. 10473. Applicant's representative: George A. Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Breads*, from Brooklyn, N.Y., to Hartford, Waterbury, and Bridgeport, Conn.; (2) *Empty containers*, from the above destination points, to Brooklyn, N.Y., under a continuing contract with Denk Baking Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Denk Baking Corporation, 495 Flatbush Ave., Brooklyn, N.Y. 11225. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141622TA, filed December 29, 1975. Applicant: H & W CARRIERS, INC., Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe, fabricated steel pipe, valves, elbows, joints, machinery, reducers, flanges, steel pipe configurations, re-enforcing rods and* (2) *Tools, machines, parts, supplies and equipment* used to install or erect the commodities above described at natural gas pumping stations, chemical plants, petroleum pumping stations, natural gas compressor stations, for the account of J. L. Allen Co., Ficklin, Ill., between Ficklin, Ill., on the one hand, and, on the other points in Indiana, Iowa, Kansas, Kentucky, Missouri, Minnesota, Michigan, North Carolina, Ohio, Pennsylavnia and Wisconsin, under a continuing contract with J. L. Allen Co., for 180 days. Supporting shipper: J. L. Allen, President, J. L. Allen Co., P.O. Box 341, Tuscola, Ill. 61953. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commisison, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141623TA, filed December 22, 1975. Applicant: ZELLNER TRUCKING, INC., 1540 N. Pacific Highway, Woodburn, Oreg. 97071. Applicant's representative: Robert H. Griswold, 598 S. Settlemier St., Woodburn, Oreg. 97071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood materials*, from points in Oregon and Washington, to points in Colorado, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Missouri, Indiana, Michigan, and Nebraska, for 180 days. Supporting shippers: Marsh & Truman Lumber Co., P.O. Box 328, Canby, Oreg. 97013. The Jewett Cameron Lumber Corporation, 4001 N.E. Halsey St., Portland, Oreg. 97232. Brazier Lumber Co., P.O. Box 99945, Tacoma, Wash. 98499. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 141625TA, filed December 23, 1975. Applicant: WILLIAM A. GREENE, JR., 18 Meadow Road, Medway, Mass. 02053. Applicant's representative: Eugene X. Giroux, 15 Congress St., Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries and grocery supplies, frozen foods, cleaning supplies, cleaners and paper products*, between Norwood, Mass., and points in Maine, Massachusetts, Maryland, Pennsylvania, New Jersey, New York, and Virginia, under a continuing contract with John Sexton & Co., for 180 days. Supporting shipper: John Sexton & Co., Div. Beatrice Foods, 881 University Ave., Norwood, Mass. 02062. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 141626TA, filed December 29, 1975. Applicant: PIPE TRANSPORT CO., INC., 81 County Line Road, Somerville, N.J. 08876. Applicant's representative: Stanley J. Perzanowski, 5 Colt St., Paterson, N.J. 07505. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and related items*, from Somerville, N.J., to points in Pennsylvania, Maryland, New York, Washington, D.C., and New Jersey, under a continuing contract with Mancrete Sales, Inc., for 180 days. Supporting shipper: Mancrete Sales, Inc., 81 County Line Road, Somerville, N.J. 08876. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 141627TA, filed December 29, 1975. Applicant: ROBERT L. STIMSON, doing busiiness as, G AND R TRUCKING, 2102 South 14th St., Missoula,

Mont. 59801. Applicant's representative: Milton Datsopoulos, S.W. Higgins Ave. and Stephens Ave., Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Lumber, particleboard and treated fence posts*, from points in Oregon, Washington, Idaho, Montana, and points in Butte, Mead, Pennington and Custer Counties, S. Dak., to points in Montana, North Dakota, South Dakota, and Wyoming; and points in Jefferson, Arapahoe, Adams, Boulder, Weld, El Paso, and Pueblo Counties, Colo.; and between points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, and the ports of entry on the United States-Canadian International Boundary line located in North Dakota on traffic destined to and from Manitoba, under a continuing contract with Mel Jones Lumber Sales, for 180 days. Supporting shipper: Mel Jones Lumber Sales, 708 West Main St., Bozeman, Mont. 59715. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1020 Filed 1-12-76;8:45 am]

[Notice No. 5]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 8, 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 C.F.R. 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 50069 (Sub-No. 505TA), filed December 17, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wire drawing compound*, in bulk, in tank vehicles, and (b) *Materials* used in the manufacturing of rolling oils and wire drawing compounds, in bulk, in tank vehicles, from (a) Columbus, Ohio to Phoenix, Ariz., and (b) from Coldwater, Mich., and Muncie, Ind., to Columbus, Ohio, for 180 days. Supporting shipper: The Ironsides Company, 270 W. Mound St., Columbus, Ohio 43215. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 85255 (Sub-No. 58TA), filed December 22, 1975. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way South, Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Ave., Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Portland, Oreg., on the one hand, and, on the other, Lacey, Olympia, Tacoma, Seattle, Everett, and Mount Vernon, Wash. Applicant intends to interline with other carriers at Portland, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Crown Zellerbach Corporation, 1500 S.W. First Ave., Portland, Oreg. 97223. Powell River-Alberni Sales Corp., 1415 Fifth Ave., Seattle, Wash. 98171. British Columbia Forest Products, 1050 West Pender St., Vancouver, B.C., Canada. Georgia-Pacific Corporation, P.O. Box 203, Olympia, Wash. 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 98327 (Sub-No. 1TA), filed December 22, 1975. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Bertram S. Silver, 140 Montgomery, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier, by motor* vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities which because of size or weight require the use of special equipment), between Winterhaven, Calif., and Phoenix, Ariz., over U.S. Highway 80, serving all intermediate points, the off-route points of Roll and Hyder, Ariz., and points within a 30 mile radius of Yuma, Roll and Hyder, Ariz., and points within a 25 mile radius of Phoenix, Ariz. Applicant intends to tack its existing authority with MC 98327 at Winterhaven, Calif., applicant also intends to interline at Phoenix, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 107496 (Sub-No. 1015TA), filed December 23, 1975. Applicant: RUAN TRANSPORT CORPORATION, 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: *Packaged cement*, from Independence, Kans., to Wichita Falls, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Steel Corporation, 106 W. 14th St., Kansas City, Mo. 64105. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108676 (Sub-No. 87TA), filed December 29, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers and cargo containers;* (2) *Refuse container systems and cargo container systems and* (3) *Parts, attachments and accessories* for the commodities described in (1) and (2) above, from Lexington, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dempster Dumpster Systems, Division of Carrier Corp., Springdale & North Central, Knoxville, Tenn. 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 110541 (Sub-No. 16TA), filed December 23, 1975. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill

Haven, Pa. 17972. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed hard coal fines*, in bulk, from Solvay, N.Y., to Minersville, Pa., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corporation, P.O. Box 1139R, Morristown, N.J. 07960. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 112750 (Sub-No. 323TA), filed December 30, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business, records, audit and accounting media;* (1) between Rocky Mount, N.C., and Greenville, S.C.; (2) between Greensboro, N.C., on the one hand, and, on the other, Anderson, Charleston, Greenville and Myrtle Beach, S.C.; and (3) between Raleigh, N.C., and Columbia, S.C., under a continuing contract with (1) Phillips Fibers Corporation, Greenville, S.C. (2) Sears, Roebuck & Company, Greensboro, N.C. and (3) General Parts, Inc., Raleigh, N.C., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Phillips Fibers Corporation, Greenville, S.C. (2) Sears, Roebuck & Company, Greensboro, N.C. and (3) General Parts, Inc., Raleigh, N.C. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113678 (Sub-No. 620TA), filed December 22, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Denver, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Suspended meat;* from the facilities of Flavorland Industries, Inc., at Toppenish, Wash., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., P.O. Box 552, Toppenish, Wash. 98948. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 123255 (Sub-No. 59TA), filed December 23, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123407 (Sub-No. 281TA), filed December 31, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Fredonia, Ariz., and Panguitch, Utah, to points in Nebraska and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Sales, Inc., P.O. Box 14703, Albuquerque, N. Mex. 87111. 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 124078 (Sub-No. 675TA), filed December 29, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: W. H. Quirmbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and rice hull ashes, blended*, in bulk, in tank vehicles, from Stuttgart, Ark., to Los Angeles and San Francisco, Calif.; Baltimore, Md.; Yazoo City, Miss., and Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Micro Chemical Industries, Inc., P.O. Box 333, Stuttgart, Ark. 72160. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 126118 (Sub-No. 118TA), filed December 22, 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising material*, from San Antonio, Tex., to points in Tennessee, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Lois Offer, Director of Purchasing and Traffic, Lone Star Brewing Company, 600 Lone Star Blvd., San Antonio, Tex. 78206. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Court House, 100 Centennnial Mall North, Lincoln, Nebr. 68508.

No. MC 126899 (Sub-No. 90TA), filed December 29, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material* when shipped with malt beverages, *and empty malt beverage containers* on return, from Dubuque, Iowa, to Cincinnati, Columbus, and Dayton, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joseph S. Pickett & Sons, Inc., East 4th St., Extension, Dubuque, Iowa 62001. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 128356 (Sub-No. 10TA) (Correction), filed November 25, 1975, published in the FEDERAL REGISTER issue of December 10, 1975, and republished as corrected this issue. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Byron R. LaVan, Suite 400, 117 S. 17th St., Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and/or used trailers, semi-trailers and trailer chassis, and parts* thereof (other than house trailers and trailers and those to be drawn by passenger automobile), in truckaway service in initial and secondary movements and parts thereof, in initial and secondary movements, from the plant of Gindy Manufacturing Corporation at Ridgeway, Va., to all points in the United States (except Alaska and Hawaii), and from all points in the United States (except Alaska and Hawaii), to the plant of Gindy Manufacturing Corporation at Ridgeway, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gindy Manufacturing Corporation, Route No. 100, Downingtown, Pa. 19335. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3236, Philadelphia, Pa. 19106. The purpose of this republication is to correct the territorial description which was previously published incorrect.

No. MC 133270 (Sub-No. 5TA), filed December 29, 1975. Applicant: ROBERTSON FOODS CO., INC., P.O. Box 17402, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh, in vehicles equipped with mechanical refrigeration, from Toppenish, Wash., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland

Industries, P.O. Box 552, Toppenish, Wash. 98948. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 134922 (Sub-No. 156TA), filed December 29, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam and compounds* (except in bulk), from Washington and Parkersburg, W. Va., and Ottawa, Ill., to Klamath Falls, Medford and Portland, Oreg.; Walla Walla, Tacoma and Seattle, Wash., and points in California, for 180 days. Supporting shipper: Organic Compounds, Inc., 1265 West 16th St., Long Beach, Calif. 90813. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135231 (Sub-No. 13TA), filed December 22, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses (except commodities in bulk), from St. Cloud, Minn., to Charlotte, N.C., restricted to transportation of shipments originating at the facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices or United Parcel Service, Inc., for immediate and subsequent movement by U.S. Mail or United Parcel Service, Inc., for 180 days. Supporting shipper: Fingerhut Corporation, 11 McLeland Road, St. Cloud, Minn. 56395. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141565 (Sub-No. 1TA), filed December 22, 1975. Applicant: CENTRAL TRANSPORT, INC., 2904 W. 2nd St., Sioux Falls, S. Dak. 57101. Applicant's representative: S. D. Transport Services, Inc., 307 W. 14th St., P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial refuse containers, gravity flow boxes, and hay feeders*, from Sioux Falls, S. Dak., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Pennsylvania, South Dakota, and Wisconsin, under a continuing contract with Teem Enterprises, Inc., for 180 days. Supporting shipper: Teem Enterprises, Inc., 3509 Teem Drive, P.O. Box 1381, Sioux Falls, S. Dak. 57101. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141587 (Sub-No. 1TA), filed December 24, 1975. Applicant: WATCH SECURITY ALARM & ARMOURED CAR SERVICE, INC., doing business as WATCH SECURITY, 1809 First St., Brunswick, Ga. 31520. Applicant's representative: Stanley J. Kubiak, 2203 Tara Lane, Brunswick, Ga. 31520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monies, currencies, coins, negotiable instruments, non-negotiable instruments, and jewelry*, between Valdosta, Ga., and points in Hamilton County, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holiday Inn, Jennings, P.O. Box 88, Jennings, Fla. 32053. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

Water Carrier Applications

No. W–1299TA, filed December 23, 1975. Applicant: ARCTIC LIGHTERAGE COMPANY, P.O. Box 3783, Seattle, Wash. 98124. Applicant's representative: John Cunningham, 1776 F St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier* by water, transporting: *General commodities* (except household goods as defined by the Commission); (1) between points in Nome, Alaska, and points within five (5) miles thereof, and (2) between Kotzebue, Alaska, and points accessible thereto by public highway on the Kotzebue Peninsula, on traffic originating at or destined to points beyond Alaska, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

W–1299 (Sub-No. 1TA), filed December 23, 1975. Applicant: ARCTIC LIGHTERAGE COMPANY, P.O. Box 3783, Seattle, Wash. 98124. Applicant's representative: John Cunningham, 1776 F St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier* by water, transporting: *General commodities* by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage during the season extending April 1 to November 1 of each year, both dates inclusive. Applicant requests to temporary authority to operate: Between points (1) including Kotzebue, on and along the Noatak, Kobuk, and Selawick Rivers (to their respective heads of navigation), and Selawick Lake, traversing Hotham Inlet; (2) along the Buckland and Kiwalik Rivers to their respective heads of navigation; (3) along the Yukon River below and including Nulato; (4) including Naknek, along the Naknek River below and including King Salmon; and (5) along the Kuskokwim River below and including Bethel, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application which may examine at the Interstate Commerce Commission in Washington, D.C, or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1021 Filed 1–12–76;8:45 am]

federal register

TUESDAY, JANUARY 13, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

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NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Proposed Evaporative Emission Regulations

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL-472-3]

NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Proposed Evaporative Emission Regulations for Light Duty Vehicles and Trucks

The Environmental Protection Agency (EPA) is proposing amendments to Subparts A and B of Part 86 of the Code of Federal Regulations (CFR) to become effective beginning with the 1978 model year, applicable to light duty vehicles and light duty trucks. These amendments would: (1) revise the evaporative emission portions of the test procedure and establish revised evaporative emission standards; (2) establish evaporative emission families; and (3) make non-substantive changes to Subpart B, including the overall organization and certain aspects of the exhaust emission portions of the text procedure.

Evaporative Emission Test Procedure and Standards. Fuel evaporative hydrocarbon emissions have been studied and measured since 1958. Federal control of evaporative emission levels was first proposed in the Federal Register (32 FR 2448) in 1967 where a novel and relatively untried measurement procedure, use of a vehicle enclosure, was proposed. These rules would have become effective for the 1969 model year. Final rule making was published in 1968 (33 FR 8304) where the novel measurement procedure was abandoned in favor of a better known procedure which utilizes the adsorption of hydrocarbon on activated charcoal (carbon trap method) which is weighed before and after the test to determine the mass of hydrocarbon adsorbed. Because of manufacturing lead time requirements, the implementation of the standards was delayed until the 1971 model year, and the emission level was set at 6 g/test. The evaporative emission standard was then reduced to a 2 g/test for 1972 and subsequent model years.

The current carbon trap method for measuring evaporative emissions has been found through testing with a more accurate measurement method to greatly underestimate actual evaporative emissions. The more accurate testing method is the Society of Automotive Engineers (SAE) recommended procedure for measuring evaparative emissions (SAE J171a) and involves collecting the evaporative emissions in a large sealed enclosure containing the test vehicle. The results of the most recent EPA in-use vehicle testing program (1973) by the enclosure method showed evaporative emissions to be at a 31 g/test level which is about 15 times the 2 g/test standard which must currently be met when testing is done by the "carbon trap" method. When this emission level is converted to a grams per mile equivalent, the resultant level is about 2.5 g/mile as compared to the current Federal exhaust emission standard of 1.5 g/mile and the statutory goal of 0.4 g/mile.

In April, 1975, the State of California requested a waiver of Federal preemption under section 209(b) of the Clean Air Act to enable California to enforce a light duty vehicle and light duty truck evaporative emission standard for the 1977 and subsequent model years of 6 g/test, as measured by the vehicle enclosure technique. The resultant waiver decision, published in the Federal Register on July 18, 1975, denied the waiver for 1977, but granted it for 1978 and subsequent model years subject to review for continuing satisfaction of the statutory requirements at such time as a new EPA standard is promulgated. At that time EPA announced that it would make all reasonable efforts to accelerate the previously announced schedule and establish a Federal vehicle enclosure regulation for 1978 instead of 1979.

The May 28, 1975 California evaporative emission waiver hearing established that a 6 g/test standard can be met for 1978 production. The technological feasibility of a 2 g/test standard for 1979 model year is supported by the waiver hearing record and by data developed by EPA. This information includes test results which show that the 1975 production Vega, a fuel injected Volkswagen, and a 1974 Plymouth Duster currently generate evaporative emissions below 2 g/test when tested by the proposed test method and that purged canisters can control diurnal emissions to below 0.5 g/test, including any vehicle background emissions. From an assessment of the information currently available regarding evaporative emission control technology, it is the judgment of EPA's technical staff that, given the lead time for technology application to other vehicles that is available with a 1979 standard, a 2 g/test standard can be met for that model year.

The proposed action would establish the enclosure method as the Federal evaporative emission test procedure and would require 1978 model year vehicles to meet a 6 g/test standard and 1979 and later model year vehicles to meet a 2 g/test standard. The levels of these standards are not lower than the present evaporative emission standard but, when required to be met as measured by the enclosure method, would reduce evaporative hydrocarbon emissions by 70 and 90 percentum, respectively. This action is currently needed since it is projected that many Air Quality Control Regions (AQCR's) will still exceed the ambient air quality standards for oxidants even as late as 1990 with the present control strategies for reducing emissions from mobile and stationary sources.

Major differences between the proposed evaporative emission regulations and either the SAE J171a or, where applicable, the existing procedure are discussed below:

1. The proposed evaporative emission measurement procedure measures all evaporative emissions from a vehicle regardless of source and, thus, measures any non-fuel hydrocarbon evaporative emissions such as hydrocarbons from the vaporization of plasticizers, solvents, and lubricants. The current measurement procedure measures only recognized fuel evaporative emission sources, while neglecting undetected fuel evaporative emission sources and ignoring non-fuel sources. These non-fuel emissions are referred to as vehicle background emissions.

These vehicle background emissions vary with vehicle age and can be as large as 5 to 10 g/test for vehicles less than 10 days old but decrease at an exponential rate until, afted 60 to 90 days or after accelerated ageing, they are quite small (i.e. less than 1 g/test). The only means of excluding non-fuel evaporative emissions from the test results is either to separately measure and subtract the non-fuel evaporative emissions, or to give the manufacturers an allowance (correction factor) for non-fuel emissions. A separate measurement of only non-fuel evaporative emissions involves eithed removing or drying out the fuel system and is complicated and costly to perform. Also, for very new vehicles, the resultant measured non-fuel background level could only be used for a short period since the background level is changing rapidly during this period. A reasonably valid correction factor is difficult to specify because of the variability and rapid change in the non-fuel evaporative emissions of new vehicles during the first 60 days. Also, if vehicles with low non-fuel evaporative emissions were used, as is generally the case, the correction factor would serve as a bonus towards meeting the evaporative emission standard. Another consideration in reaching a decision regarding the treatment of, in particular, stabilized non-fuel evaporative emissions is that these emissions are real, continuing hydrocarbon emissions and from an air quality standpoint should be included in the evaporative emissions determination.

Including the small amount of non-fuel evaporative emissions as part of the evaporative emissions to be measured during the certification process is the most straightforward method of handling the non-fuel emissions. No complicated and costly measurements or dubious correction factors are required by this approach. For most test vehicles, non-fuel evaporative emissions are small since manufacturers generally install new drivetrains in currents chassis to construct certification test vehicles. Such chassis can usually be selected to be sufficiently aged to avoid problems of non-fuel evaporative emissions. In addition, the EPA technology assessment gives due consideration to non-fuel emissions in establishing the feasible levels of control. The disadvantage of this approach is that in a few cases the use of a brand new vehicle may be more convenient for the manufacturer; however, this is likely to be a sufficiently rare occurrence so that it will not constitute an unreasonable hardship for the manufacturer. Therefore, these proposed proce-

dures make no special provisions for accounting for vehicle background emissions and include them as part of the measurement.

2. The current evaporative emission test procedure requires that the vehicle be preconditioned by one hour of operation at an average speed of about 35 mph, prior to the preconditioning fuel drain. The driving schedule which is used for this preconditioning is one which was designed for and which is used for rapid mileage accumulation. While the use of this driving schedule provides for convenient extended preconditioning, the schedule does not represent normal urban driving. Tests conducted at the EPA Motor Vehicle Emission Laboratory indicate that this one hour of preconditioning is unnecessary and wasteful. Therefore the proposed test procedure starts with the fuel drain and fill with test fuel which precedes the preconditioning Urban Dynamometer Driving Schedule (UDDS) run. For those unusual circumstances where additional preconditioning is desired, such additional preconditioning may be allowed with the advance approval of the Administrator. For this additional preconditioning the vehicle will be cycled through a cycle consisting of one UDDS followed by a one hour minimum soak for a maximum of three such cycles or until the vehicle's evaporative emission control system reaches a stabilized condition. In addition, gasoline fueled test vehicles may no longer be used to set dynamometer horsepower.

3. Certain phases of the current test procedure require an ambient temperature of 76–86° F while other phases require ambient temperatures of 68–86° or 60–86° F. While good control of ambient conditions is essential to maintain test accuracy, the 76–86° F tolerance is unnecessarily restrictive. The proposed procedures sets a uniform temperature tolerance of 68–86° F for all phases of the test procedure including the enclosure ambient temperature during the diurnal and hot soak test phases. The hot soak specification is reduced from the 90° F allowed by the SAE J171a procedure and corresponds to the specification currently allowed for hot soak testing.

4. The current proucedure and the J171a both allow the diurnal soak to occur during a period of 60±10 minutes. Available data indicate that a time tolerance as wide as ±10 minutes may contribute significantly to test variability. The proposed procedure sets the tolerance of ±2 minutes for the diurnal soak and ±0.5 minute for the hot soak.

5. The SAE J171a procedure specifies that, at the completion of the fuel fill for the diurnal soak, the temperature of the fuel in the tank will be 60±1° F. This may not be possible at some facilities because of the location of the refueling facilities in relation to the location of the enclosures. The proposed procedure allows for fueling of the vehicle with fuel which is between 50 and 60° F and moving the vehicle into the enclosure while the fuel warms up naturally. When all attachments to the vehicle are complete, the enclosure is sealed and the hydrocarbon measurement corresponding to the starting temperature of 60±1° F is used as the enclosure background level for the calculations. This is the simplest possible method for starting the diurnal test and will minimize the number of void tests.

6. The current test procedure specifies the use of iron-constantan (Type J) thermocouples and specifies a temperature recording accuracy of ±1° F. Current industry practice is to use standard grade Type J thermocouples which have an accuracy of ±4° F. Even premium grade Type J thermocouples are only accurate to ±2° F. Recorder error may contribute another ±0.5° F inaccuracy. Current measuring equipment cannot meet the requirements of existing regulations. An absolute accuracy of ±1° is not needed. The proposal specifies an accuracy of ±2° F, which, to be met, requires a change in thermocouple material. The proposed regulations specify the use of copper-constantan (Type T) thermocouples which in a standard grade have an accuracy of ±1.5° F and in premium grade have an accuracy of ±0.75° F.

7. The enclosure method of determining evaporative emissions utilizes the net enclosure volume (enclosure volume minus vehicle volume) in the calculation of evaporative mass emissions. Both the SAE J171a and this proposed procedure use a nominal vehicle volume of 50 ft.[3] With a basic enclosure volume of 1,500 ft.[3], the nominal vehicle volume represents 3.3% of the enclosure volume. Actual vehicle volumes for very small or very large vehicles might vary from the nominal value by as much as ±25 ft.[3] which would change the calculated results by about ±1.7%. Of course, most vehicle volumes would be close to the nominal value so that the added complexity of determining actual vehicle volume is not warranted by the slight improvement in accuracy which would result.

8. The vehicle soak duration between the end of the preconditioning UDDS and the exhaust emission test is specified in this proposal as not less than 12 hours (including the diurnal evaporative emission test) nor more than 36 hours. The time interval between the end of the diurnal test and the start of the exhaust emission test is specified as not to exceed one hour. The time interval between the end of the exhaust test and the beginning of the hot soak is specified as not to exceed five minutes and the time between engine-off and the hot soak is specified as not to exceed one minute.

This means that the diurnal test can be started as soon as the tenth hour of soak (with a one hour delay before the exhaust test) or as late as the thirty-fifth hour of soak (with no delay before the exhaust test). The exhaust test can be started immediately after the completion of the diurnal or can be delayed up to one hour. At the end of the exhaust test, the vehicle is driven to the enclosure and allowed to idle until preparations for pushing it into the enclosure are complete, which can take up to four minutes.

9. The fuel for the FID used to measure evaporative emissions is specified to have a composition of 60% helium and 40% hydrogen containing less than 1 ppm carbon response. The fuel for the FID's used in exhaust emission tests continues unspecified and is not changed from current practice.

10. The concept of evaporative emission certification carryover is continued. However, since this test procedure more accurately assesses evaporative emissions and since, for the same evaporative emission standard, the probability of evaporative-exhaust interactions is thereby increased; the exhaust-only test will also include the one hour diurnal fuel tank heating (need not be done in enclosure) prior to the cold start exhaust emission test. This will allow for proper preconditioning of the evaporative emission control system and correct assessment of evaporative-exhaust interactions during the exhaust emission testing.

11. The proposed regulations allow, with advance approval of the Administrator, additional vehicle cooling during the dynamometer operation if the manufacturer can show that during field operation the vehicle receives additional cooling and that such additional cooling is necessary to provide a representative exhaust or hot soak evaporative test.

Evaporative Emission Families. Motor vehicle manufacturers normally produce many engine, drive-train, emission-system, body-type combinations. The exhaust emission engine family concept was developed to minimize the number of vehicles to be tested to establish the exhaust emission characteristics of a manufacturer's product line. Currently every vehicle which is tested for exhaust emissions is also tested for evaporative emissions. Typically, in all of the various engine families that a manufacturer produces, only a few types of evaporative emission systems are used (perhaps only one for the whole product line). For this reason, the concept of evaporative emission families has been developed as a part of the proposal. The evaporative emission family criteria and vehicle selection criteria are contained in Subpart A. To aid manufacturers in assessing the impact of this new method of designating vehicles to be tested for evaporative compliance, the basic evaporative control system parameters being considered are included.

Evaporative Control System will be defined as a combination of the following:

(A) Method of vapor transmission to the storage device from the vapor source—e.g., continuous or controlled

(B) Adsorbtion material—e.g., carbon, synthetic

(C) Purge Strategy:

1. Continuous, controlled.

2. Point of induction, e.g., carburetor, air cleaner, PCV.

3. Conditioning of purge air, e.g., heated, dried.

(D) Evaporative System Environment Control—e.g., underhood cooling fan, thermostatic vents.

Selecting vehicles for evaporative emission testing according to evaporative emission families will minimize the number of vehicles tested to establish the evaporative emission characteristics of a manufacturer's product line. This change represents a potential time and cost savings for both EPA and the manufacturers.

Non-substantive changes to Subpart B. Introducing into the regulations a new and substantially different evaporative emission test procedure results in a major revision of the regulations. This proposal includes a reorganized emission test procedure (Subpart B) which is structured so that all equipment descriptions are located together, all calibration requirements are located together, and the test procedure follows a logical sequence from beginning to end. In addition, several non-substantive improvements have been made to certain aspects of the exhaust emission portions of the test procedure.

1. The test procedures in subpart B have been reorganized to promote clarity. No substantive changes have been made. Basically, subpart B has been arranged in a logical, essentially time oriented order. Required equipment is listed first with calibration procedures following. The test methods and sample calculations appear at the end.

Along with the general reorganization, many wording changes have also been made. These revisions are intended to clarify, but not change, the test procedure. For example, only differences in the Diesel sampling system are described. Previously two separate, but substantially identical descriptions were included. Another example is the combination of the 3 previous sections dealing with transmissions into one section. In addition, equipment descriptions and schematic drawings have been modified to more closely reflect general performance requirements rather than specific design parameters.

2. Coinciding with the subpart reorganization, a new numbering system for Subpart B is proposed. The model year designation appears as a suffix following the section number and is separated by a hyphen. A section will remain effective until it is superseded. This change will make republishing for each model year unnecessary. Also, when a section is amended for an upcoming model year it will appear following the current section. This will enable the reader to quickly find the changes that have been made.

3. The regulations have been updated to allow use of the critical flow venturi constant volume sampler. A separate calibration procedure is also specified, and the section entitled "chart reading" has been deleted. Manufacturers will not have to request special permission to use this equipment.

4. Specifications for placement of the cooling fan have been relaxed. The cooling fan is now required to be within 12 inches of the vehicle rather than " . . . between 8 and 12 inches in front of the cooling air inlets (grill)".

5. To reflect current commercially available instrument specifications, the operating response time of the heated flame ionization detector (HFID) has been changed from 1 to 1.5 seconds for 90 percent full scale response.

6. To promote better test correlation and minimize test to test variability, tolerance specifications have now been specified for both calibration and span gases including traceability requirements to NBS, EPA or other approved gas standards.

7. The number of calibration gases required for each instrument range of the carbon monoxide and carbon dioxide analyzers have been reduced from 8 to 6, and recommendations for selecting the calibration curves have been described, rather than using "best judgment".

8. The proposed regulations present specifications and equations in customary (English) units, with System International (SI) units in parenthesis to provide additional information and to aid in the orderly transition to the metric system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. In order that EPA may evaluate the relationship between air quality improvement and socioeconomic impact, the manufacturers are requested to supply data to indicate the lead time required and the cost per vehicle of compliance with a standard of 6 g/test for 1978 and a 2 g/test standard for 1979 when testing by the proposed procedure. A detailed breakdown of component costs is requested. Comments are also requested on the new evaporative emission family and vehicle selection criteria both in terms of the potential savings to be realized and in terms of problems that may arise due to the integration of the proposal into the existing certification scheme. In addition, comments are solicited regarding the arrangement, duration specifications and parameter tolerances of the various parts of the evaporative emission test procedure. Comments are also solicited regarding the utility of the rearranged Subpart B.

Communications should be submitted (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution control, 401 M Street SW., Washington, D.C. 20460. All relevant material received on or before February 23, 1976 will be considered. Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 4th and M Streets SW., Washington, D.C.

A copy of all public comments and draft environmental impact statement will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library) 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

This Notice of proposed rulemaking is issued under authority of sections 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, and 1857g (a)).

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

Dated: December 31, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 86 of Chapter I, Title 40 of the Code of Federal Regulations by revising Subparts A and B as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles, 1977 and Later Model Year New Light Duty Trucks and for 1977 and Later Model New Heavy Duty Engines

1. A new § 86.078-2 is added and reads as follows:

§ 86.078-2 Definitions.

The following definitions apply beginning with the 1978 model year. Section 86.077-2 remains effective excepting those definitions which are hereby superseded.

"Diurnal breathing losses" means evaporative emissions as a result of the daily range in temperature.

"Engine—system combination" means an engine family-exhaust emission control system combination.

"Evaporative emissions" means hydrocarbons emitted into the atmosphere from a motor vehicle, other than exhaust and crankcase emissions.

"Hot soak losses" means evaporative emissions after termination of engine operation.

"Tank fuel volume" means the volume of fuel in the fuel tank(s), which is determined by taking the manufacturer's nominal tank(s) capacity and multiplying by 40%, the result being rounded to the nearest tenth of a U.S. gallon.

"Fuel system" means the combination of fuel tank(s), fuel pump, fuel lines, and carburetor or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

2. A new § 86.078-3 is added and reads as follows:

§ 86.078-3 Abbreviations.

(a) The abbreviations in this section apply to this subpart and also to subparts B, H, I, and J.

(b) The abbreviations used in this subpart have the following meanings in both capital and lower case:

Accel.—Acceleration.
AECD—Auxiliary Emission Control Device.
API—American Petroleum Institute.
ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.

BSCO—Brake specific carbon monoxide
BSHC—Brake specific hydrocarbons.
BSNOx—Brake specific oxides of nitrogen.
C—Celsius.
cfh—Cubic feet per hour.
CFV—Critical flow venturi.
CL—Chemiluminescence.
CO_2—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
cfm—Cubic feet per minute.
CT—Closed Throttle.
cu. in.—Cubic inch(es).
CVS—Constant volume sampler.
Decel.—Deceleration.
EP—End point.
Evap.—Evaporated.
F—Fahrenheit.
FID—Flame ionization detector.
FL—Full load.
gal.—U.S. gallon(s).
g—Grams.
GVW—Gross Vehicle Weight.
H_2O—Water.
HC—Hydrocarbon(s).
HFID—Heated flame ionization detector.
Hg—Mercury.
Hi.—High.
Hp—Horsepower.
Hr—Hour.
IBP—Initial boiling point.
ID—Internal diameter.
kPa—Kilopascal(s).
Lb—Pound(s).
LFE—Laminar flow element.
Lb ft—Pound-feet.
m—Metre.
Max.—Maximum.
Min.—Minimum.
Min.—Minute(s).
ml—Milliliter(s).
mph—Miles per hour.
mm—Millimeter(s).
mv—Millivolt(s).
N_2—Nitrogen.
NDIR—Nondispersive infrared.
NO—Nitric oxide.
NO_2—Nitrogen dioxide.
NOx—Oxides of nitrogen.
No.—Number.
Pb—Lead.
PDP—Positive displacement pump.
ppm—Parts per million by volume.
ppm C—Parts per million, carbon.
psi—Pounds per square inch.
psig—Pounds per square inch gauge.
PTA—Part throttle acceleration.
PTD—Part throttle deceleration.
R—Degrees Rankin.
rpm—Revolutions per minute.
RVP—Reid vapor pressure.
S.A.E.—Society of Automotive Engineers.
s—Second(s).
SI—System international.
Sp.—Speed.
SS—Stainless steel.
t—time.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
v—Volts.
Vs—Versus.
w—watt.
WF—Weighting factor.
WOT—Wide open throttle.
Wt—Weight.
'—Feet.
''—Inches.
°—Degrees.
%—Percent.
Σ—Summation.

3. Paragraph (b) of § 86.078–8 is revised to read as follows:

§ 86.078–8 Emission standards for 1978 light duty vehicles.

* * * * *

(b)(1) Evaporative emissions from gasoline fueled light duty vehicles shall not exceed:

(i) *Hydrocarbons.* 6.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

* * * * *

4. A new § 86.078–9 is added and reads as follows:

§ 86.078–9 Emission standards for 1978 light duty trucks.

(a) [See Paragraph (a) of § 86.077–9]

(b)(1) Evaporative emissions from 1978 model year gasoline fueled light duty trucks shall not exceed:

(i) *Hydrocarbons.* 6.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) [See Paragraph (c) of § 86.077–9]

5. A new section § 86.079–8 is added and reads as follows:

§ 86.079–8 Emission standards for 1979 light duty vehicles.

(a) [See paragraph (a) of § 86.077–9]

(b)(1) Evaporative emissions from 1979 model year gasoline fueled light duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) [See Paragraph (c) of § 86.077–8]

6. A new § 86.079–9 is added and reads as follows:

§ 86.079–9 Emission standards for 1979 light duty trucks.

(a) [See Paragraph (a) of § 86.077–9]

(b)(1) Evaporative emissions from 1979 model year gasoline fueled light duty trucks shall not exceed:

(i) *Hydrocarbons.* 2 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) [See Paragraph (c) of § 86.077–9]

7. A new § 86.078–24 is added and reads as follows:

§ 86.078–24 Test vehicles and engines.

(a)(1) through (a)(4) [See paragraphs (a)(1) through (a)(4) of § 86.077–24]

(5) The gasoline fueled vehicles covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as separate evaporative family.

(6) To be classed in the same evaporative family, vehicles must be identical in all of the following respects:

(i) Vapor storage device (e.g., canister, air cleaner, crankcase, induction system).

(ii) Basic canister design, including:

(A) Design working capacity (e.g., vapor adsorption capacity)

(B) Housing Material

(C) Configuration (e.g., open bottom, closed bottom, purge control valves)

(iii) Carburetor model or fuel injection type (including features such as external carburetor bowl vents and purge control valves).

(iv) Basic fuel tank type (e.g., hollow steel, vapor control baffles, plastic lined).

(v) Basic fuel filler cap type (e.g., seal mechanism, retention mechanism).

(7) Where vehicles are of a type which cannot be divided into evaporative families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(b)(1)(i) [See paragraph (b)(1)(i) of § 86.077–24]

(ii) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system, and inertia weight class.

(iii) through (vi) [See paragraphs (b)(1)(iii) through (b)(1)(vi) of § 86.077–24]

(vii)(A) Vehicles of each evaporative family will be divided into evaporative control systems. One vehicle of each evaporative control system within the evaporative family will be selected.

(B) The Administrator may select a maximum of four (4) additional vehicles within each evaporative family based upon features indicating that they may have the highest evaporative emission levels of vehicles in that family.

(C) Vehicles selected under (b)(1)(i) through (vi) may be used to satisfy the requirements of (b)(1)(vii) (A) and (B).

(D) The Administrator will also select one vehicle for each evaporative control system within each evaporative family for which vehicles are to be sold at high altitude.

(E) Vehicles selected under (b)(1)(v) may be used to satisfy the requirements of (b)(1)(vii)(D).

(b)(2) through (c)(1)(ii) [See paragraphs (b)(2) through (c)(1)(ii) of § 86.077-24]

(iii) A durability vehicle will be selected by the Administrator to represent each evaporative control system within each evaporative family. Vehicles selected under (c)(1)(i) will be used to satisfy the requirements of this section. If it is impossible for any vehicle selected under the constraints of (c)(1)(i) to satisfy the requirements of this section, then an additional durability vehicle may be selected to satisfy the evaporative durability requirements.

(iv) Exhaust durability data (§ 86.178-5(b)) from any vehicle selected under this paragraph to satisfy evaporative durability requirements will be used according to § 86.078-28(a)(4)(i)(A)(1) with the exhaust durability data from the vehicle selected under (c)(1)(i) for the same engine-system combination.

(c)(2) through (e) [See paragraphs (c)(2) through paragraph (e) of § 86.007-24].

(f) In lieu of testing an emission data or durability data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been sought.

(g) [See paragraph (g) of § 86.077-24].

8. A new § 86.078-26 is added and reads as follows:

§ 86.078-26 Mileage and service accumulation; emission measurements.

(a)(1) and (a)(2) [See paragraphs (a)(1) and (a)(2) of § 86.077-26].

(3) Emission data vehicles.

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission data vehicle shall be driven 4000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero miles and 4000 miles on those vehicles selected under 86.078-24(b). Complete exhaust emission and evaporative emission tests shall be conducted at 4000 miles on those vehicles selected under 86.078-24(c) unless the Administrator determines under 86.078-24(f) that only the exhaust emission test shall be conducted at zero miles and 4000 miles.

(a)(3)(i)(B) through (c) [See paragraphs (a)(3)(i)(B) through (c) of § 86.077-26].

9. A new § 86.078-28 is added and reads as follows:

§ 86.078-28 Compliance with emission standards.

(a)(1) through (a)(3) [See paragraphs (a)(1) through (a)(3) of § 86.077-28].

(4) The procedure for determining compliance of a new motor vehicle with exhaust and evaporative emission standards, as applicable, is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NOx for each engine-system combination. Separate evaporative deterioration factors shall be determined from the evaporative emission results of the durability vehicle(s) for each evaporative control system within each evaporative family.

(a)(4)(i)(A) through (a)(4)(i)(C) [See paragraphs (a)(4)(i)(A) through (a)(4)(i)(C) of § 86.077-28].

(D) For gasoline-fueled vehicles, an evaporative emission deterioration factor shall be calculated for each evaporative control system within each evaporative family, by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29-67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(a)(4)(ii)(A) through (c) [See paragraphs (a)(4)(ii)(A) through (c) of § 86.077-28].

10. A new § 86.078-30 is added and reads as follows:

§ 86.078-30 Certification.

(a)(1) and (a)(2) [See paragraphs (a)(1) and (a)(2) of § 86-077-30].

(3) One such certificate will be issued for each engine family-evaporative family combination and will certify compliance with no more than one set of applicable standards.

(a)(4) through (a)(6) [See paragraphs (a)(4) through (a)(6) of § 86.077-30]

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

(i) Light duty vehicles and light duty trucks.

(A) A test vehicle selected under § 86.078-24(b)(1)(ii) or (iv) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system combination as applicable to be sold below 4,000 ft. in elevation. A test vehicle selected under § 86.078-24(b)(1)(vii)(A) or § 86.078-24(b)(1)(vii)(B) shall represent all vehicles in the same evaporative control system within the evaporative family as applicable, to be sold below 4,000 ft. in elevation.

(b)(1)(i)(B) [See paragraph (b)(1)(i)(B) of § 86.077-30]

(C) A test vehicle selected under § 86.078-24(c)(1)(iii) shall represent all vehicles in the same evaporative control system within the evaporative family.

(D) A test vehicle selected under § 86.078-24(b)(1)(vii)(D) shall represent all the vehicles of the same evaporative control system within the evaporative family to be sold at high altitude.

(b)(1)(iii) through (c) [See paragraphs (b)(1)(iii) through (c) of § 86.077-30]

11. A new § 86.078-35 is added and reads as follows:

§ 86.078-35 Labeling.

(a)(1)(iii)(D) through (b) [See paragraphs (a) through (a)(1)(iii)(B) of § 86.077-35]

(C) Engine displacement (in cubic inches), engine family identification and evaporative family identification.

(a)(1)(iii)(D) through (b) [See paragraph (a)(1)(iii)(D) through paragraph (b) of § 86.077-35]

12. Subpart B is enlarged by adding §§ 86.101-78 through 86.139-78 (effective for the 1978 model year) which reads as follows:

Subpart B—Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles and New Light Duty Trucks; Test Procedures

Sec.

86.101-78 Applicability.
86.102-78 Definitions.
86.103-78 Abbreviations.
86.104-78 Section numbering, construction.
86.105-78 Introduction; structure of subpart.
86.106-78 Equipment required; overview.
86.107-78 Sampling and analytical system, evaporative emissions.
86.108-78 Dynamometer.
86.109-78 Exhaust Gas sampling system.
86.110-78 Exhaust Gas analytical system.
86.111-78 Fuel specifications.
86.112-78 Analytical gases.
86.113-78 EPA Urban Dynamometer Driving Schedule.
86.114-78 Calibrations, frequency and overview.
86.115-78 Evaporative emission enclosure calibrations.
86.116-78 Dynamometer calibraton.
86.117-78 Constant volume samper calibration.
86.118-78 Hydrocarbon analyzer calibration.
86.119-78 Carbon monoxide analyzer calibration.
86.120-78 Oxides of nitrogen analyzer calibration.
86.121-78 Carbon dioxide analyzer calibration.
86.122-78 Calibration of other equipment.
86.123-78 Test procedures, overview.
86.124-78 Transmissions.
86.125-78 Road load power and inertia weight determination.
86.126-78 Test sequence, general requirements.
86.127-78 Vehicle preparation.
86.128-78 Vehicle preconditioning.
86.129-78 Diurnal breathing loss test.
86.130-78 Running loss test.
86.131-78 Dynamometer procedure.
86.132-78 Engine starting and restarting.
86.133-78 Dynamometer test runs.
86.134-78 Hot soak test.
86.135-78 Exhaust sample analysis.
86.136-78 Records required.
86.137-78 Calculations; evaporative emissions.
86.138-78 Calculations; exhaust emissions.

AUTHORITY: Sec. 202, 206, 207, 208, and 301 (a) of the Clean Air Act, as amended (42 U.S.C. 1857F-1, 1857F-5, 1857F-5a, 1857F-6, 1857g(a)).

Subpart B—Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles and New Light Duty Trucks; Test Procedures

§ 86.101–78 General applicability.

(a) The provisions of this subpart are applicable to 1977 and later model year new light duty vehicles and light duty trucks.

(1) Sections 86.101–78 through 86.139–78 apply for 1978 and later model years.

(2) Sections 86.177–1 through 86.177–23 apply for the 1977 model year only.

(b) Provisions of this subpart apply to tests performed by both the Administrator and motor vehicle manufacturers.

§ 86.102–78 Definitions.

The definitions in §§ 86.077–2 and 86.078–2 apply to this subpart.

§ 86.103–78 Abbreviations.

The abbreviations in § 86.078–3 apply to this subpart.

§ 86.104–78 Section numbering, construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

EXAMPLE: Section 86.111–78 applies to the 1978 and subsequent model years until superseded. If a section 86.111–81 is promulgated it would take effect beginning with the 1981 model year; § 86.111–78 would apply to model years 1978 through 1980.

(b) Unless indicated, all provisions in this subpart apply to both gasoline and diesel fueled vehicles.

§ 86.105–78 Introduction, structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform exhaust and evaporative emission tests on light duty vehicles and light duty trucks. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Three topics are addressed in this subpart. Sections 86.106 through 86.113 set forth specifications and equipment requirements; §§ 86.114 through 86.122 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximately chronological order) in §§ 86.123 through 86.139.

§ 86.106–78 Equipment required; overview.

(a) This subpart contains procedures for both exhaust and evaporative emissions tests on gasoline or diesel fueled light duty vehicles and light duty trucks. Certain items of equipment are not necessary for a particular test, e.g., evaporative enclosure when testing diesel vehicles. Equipment required and specifications are as follows:

(1) *Evaporative emission tests, gasoline fueled vehicles.* The evaporative emission test is closely related to and connected with the exhaust emission test. All vehicles tested for evaporative emissions must be tested for exhaust emissions. Further, unless the evaporative emission test is waived by the Administrator under § 86.077–26, all gasoline fueled vehicles must undergo both tests. (Diesel vehicles are excluded from the evaporative emission standard.) Section 86.107 specifies the necessary equipment.

(2) *Exhaust emission tests.* All vehicles subject to this subpart are tested for exhaust emissions. Diesel and gasoline fueled vehicles are tested identically with the exception of hydrocarbon measurements; diesel vehicles require a heated hydrocarbon detector, §86.109. All gasoline fueled vehicles are either tested for evaporative emissions or undergo a diurnal heat build, diesel vehicles are excluded from this requirement. Equipment necessary and specifications appear in sections 86.108 through 86.112.

(3) *Fuel, analytical gas, and driving schedule specifications.* Fuel specifications for exhaust and evaporative emission testing and for mileage accumulation for gasoline and diesel fueled vehicles are specified in § 86.111–78. Analytical gases are specified in § 86.112. The EPA Urban Dynamometer Driving Schedule for use in exhaust testing is specified in § 86.113 and Appendix I.

§ 86.107–78 Sampling and analytical system, evaporative emissions.

(a) Component description (evaporative emissions sampling system). The following components will be used in evaporative emissions sampling systems for testing under this subpart.

(1) *Evaporative emission measurement enclosure.* The enclosure shall be large enough to accommodate the largest vehicle to be tested, with space for personnel access to all sides of the vehicle. The enclosure door must allow entry of the maximum size vehicle. When sealed, the enclosure shall be gas tight. Interior surfaces must be impermeable to hydrocarbons. One surface should be of flexible, impermeable material to allow for minor volume changes, resulting from temperature changes. To maximize dissipation of heat, wall materials should be of minimum thermal resistance.

(2) *Evaporative emission hydrocarbon analyzers.* A hydrocarbon analyzer utilizing the hydrogen flame ionization principle (FID) shall be used to monitor the atmosphere within the enclosure. The FID shall have a minimum full scale measuring sensitivity of 5 ppm propane with a stability of ±1% of range, a reproducibility of ±1% of range and a response to 90% of final reading within 1.5 s. Sufficient ranges will be available, such that any reading will fall within the upper 80% of the range in use.

(3) *Evaporative emission hydrocarbon data recording system.* The electrical output of the FID shall be recorded at the initiation and termination of each diurnal or hot soak. The recording may be by means of a strip chart potentiometric recorder, by use of an on-line computer system or other suitable means. In any case, the recording system must have operational characteristics (signal to noise ratio, speed of response, etc.) equivalent to or better than those of the signal source being recorded, and must provide a permanent record of results. The recording system must provide a positive indication of the initiation and completion of each diurnal or hot soak along with the time elapsed between initiation and completion of each soak.

(4) *Tank fuel heating system.* The tank fuel heating system shall consist of a heat source and a temperature controller. A typical heat source is a 2,000 w heating pad. Other sources may be used as required by circumstances. The temperature controller may be manual, such as a variable voltage transformer, or may be automated. The heating system must not cause hot spots on the tank wetted surface which could cause local overheating of the fuel. Heat must not be applied to the vapor in the tank above the liquid fuel. The temperature controller must be capable of controlling the fuel tank temperature during the diurnal soak to within ±2° F (1.1° C) of the following equation:

$$F = 60 + 0.4\,t$$

or for SI units:

$$C = 15.556 + (2/9)\,t$$

Where:

F = Temperature in °F
C = Temperature in °C
t = Time since start of test in minutes

(5) *Temperature recording system.* Strip chart recorder(s) or automatic data processor shall be used to record enclosure ambient and vehicle fuel tank temperature during the evaporative emissions test. The temperature recorder or data processor shall record each temperature at least once every minute. The recording system shall be capable of resolving time to ±15 s and capable of resolving temperature to ±0.75° F (0.42° C). The temperature recording system (recorder and sensor) shall have an accuracy of ±2° F (1.1° C). The recorder (data processor) shall have a time accuracy of ±15 s and a precision of ±15 s. The ambient temperature sensor shall be located in the enclosure, within 6 inches (15 cm) of the geometric center of the ceiling and between 6 and 12 in. (15 and 30 cm) below the ceiling surface. The vehicle fuel tank temperature sensor shall be located in the fuel tank so as to measure the temperature of the prescribed test fuel at its approximate mid-volume of the fuel. Manufacturers shall arrange that vehicles furnished for testing at Federal certification facilities be equipped with copper-constantan Type T thermocouples for measurement of fuel tank temperature.

(6) *Purge blower.* One or more portable or fixed blowers shall be used to purge the enclosure. The blowers shall have sufficient flow capacity to reduce the enclosure hydrocarbon concentration from the test level to the ambient level between tests. Actual flow capacity will depend upon the time available between tests.

(7) *Mixing blower.* One or more small blowers or fans shall be used to mix the contents of the enclosure during evaporative emission testing. Maintenance of uniform concentrations throughout the enclosure is important to the accuracy of the test.

§ 86.108–78 Dynamometer.

The dynamometer shall have a power absorbtion unit for simulation of road load power and flywheels or other means of simulating the inertia weight as specified in § 86.125.

§ 86.109–78 Exhaust gas sampling system.

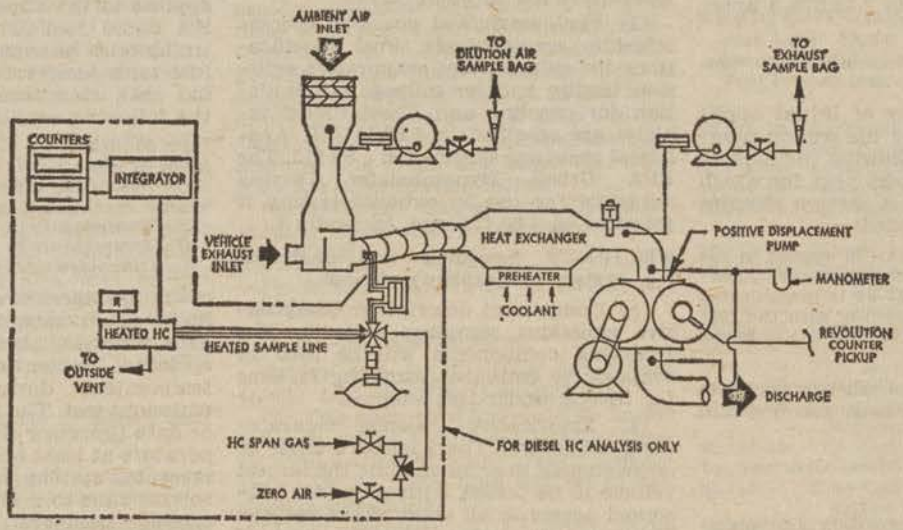
(a)(1) *Schematic drawings.* Figure B78–1 is a schematic drawing of the Positive Displacement Pump-Constant Volume Sampler (PDP–CVS) and Figure B78–2 is a schematic drawing of the Critical Flow Venturi-Constant Volume Sampler (CFV–CVS). These are two suggested exhaust gas sampling systems.

(2) Since various configurations can produce equivalent results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(3) *Other Systems.* Other sampling systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(b) *Component description, PDP–CVS.* The PDP–CVS, Figure B78–1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors.

The PDP–CVS shall conform to the following requirements:



(SEE FIG. B78-3 FOR SYMBOL LEGEND)
FIGURE B78-1 —EXHAUST GAS SAMPLING SYSTEM (PDP-CVS)

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within ±10° F (5.6° C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±10° F (5.6° C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±2° F (1.1°C).

(3) The pressure gauges shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to eliminate water condensation in the system (300 to 350 cfm, 0.142 to 0.165 m^3/s, is sufficient for most vehicles).

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

(c) *Component description, CFV–CVS.* The CFV–CVS, Figure B78–2 consists of a dilution air filter and mixing assmbly, cyclone particulate separator, sampling venturi, critical flow venturi, sampling system, and assorted valves, pressure and temperature sensors. The CFV–CVS shall conform to the following requirements:

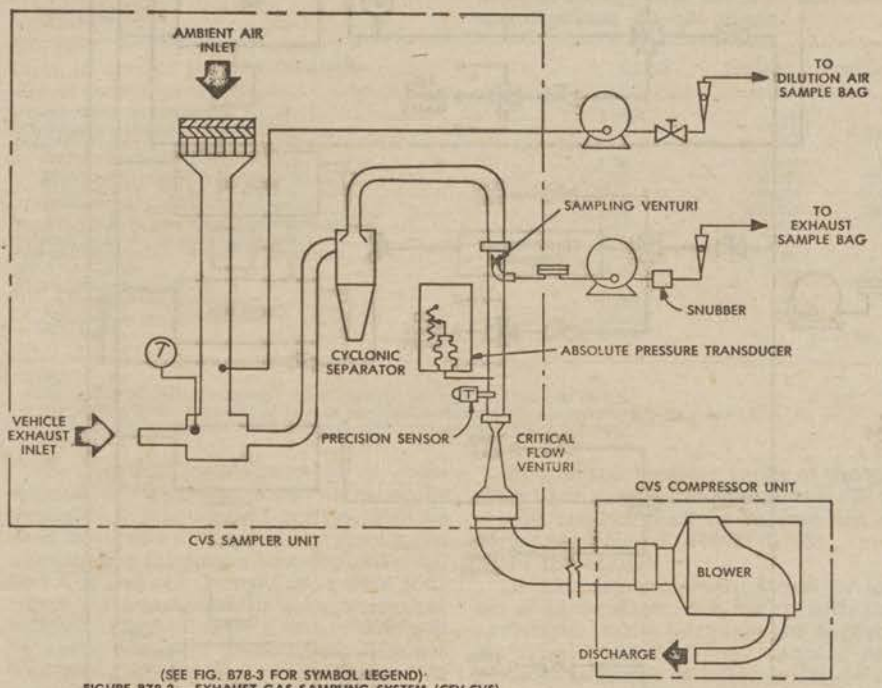
(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the

Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of ±2° F (1.1° C) and a response time of 0.100 s to 62.5% of a temperature change.

(3) The pressure measuring system shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to eliminate water condensation in the system (300 to 350 cfm, 0.142 to 0.165 m^3/s, is sufficient for most vehicles).



(SEE FIG. B78-3 FOR SYMBOL LEGEND)
FIGURE B78-2 —EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

§ 86.110–78 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure B78–3 is a schematic drawing of the exhaust gas analytical system. The schematic of the hydrocarbon analysis train for diesel fueled vehicles is shown as part of Figure B78–1. Since various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure B78–3, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of hydrocarbons from diesel fueled vehicles, Figure B78–1. The exhaust gas analytical system shall conform to the following requirements:

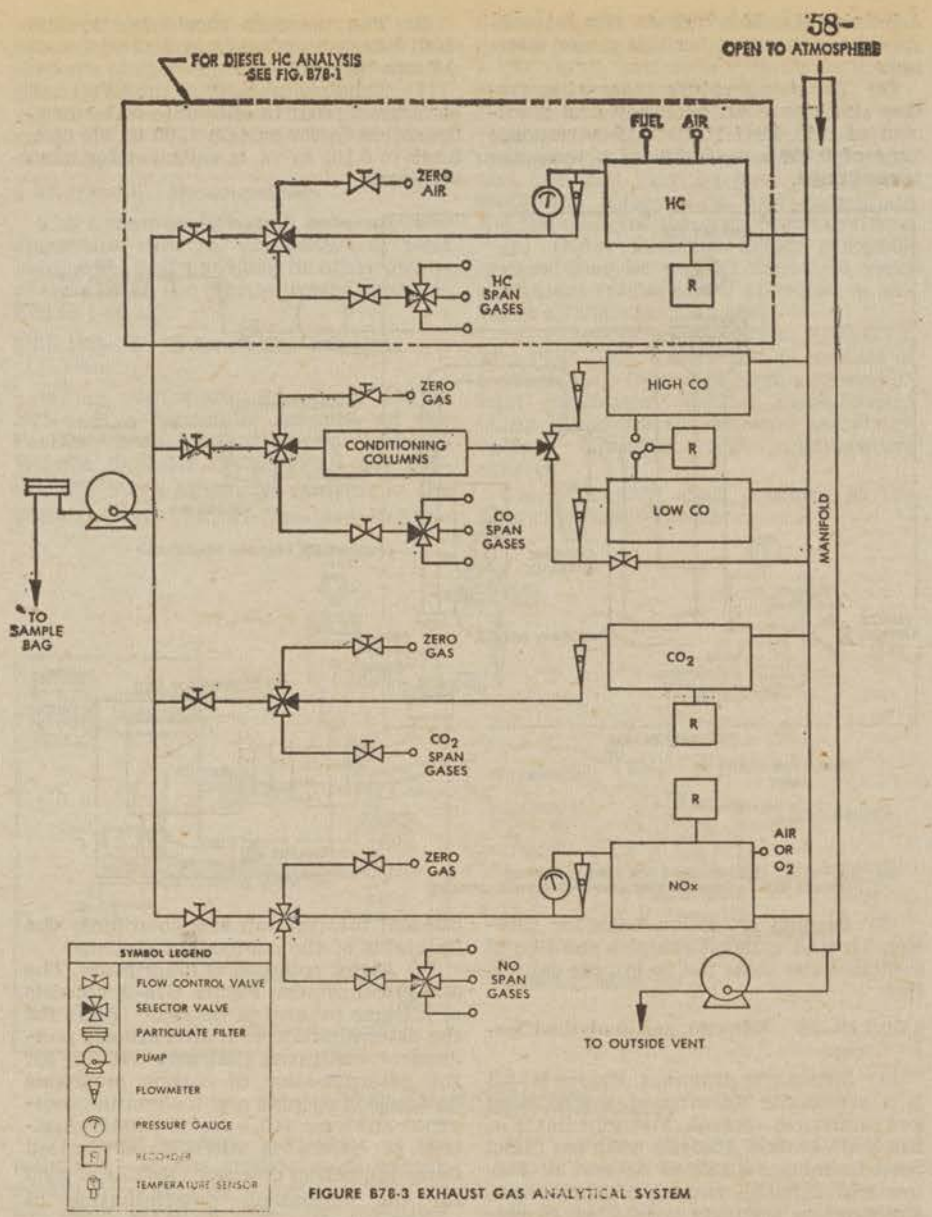


FIGURE B78-3 EXHAUST GAS ANALYTICAL SYSTEM

(1) The chemiluminescence analyzer requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see § 86.119 and § 86.138.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.119.

(3) For diesel fueled vehicles a continuous sample shall be measured using a heated analyzer train as shown in Figure B78–1. The train shall include a heated continuous sampling line, a heated particulate filter and a heated hydrocarbon instrument (HFID) complete with heated pump, filter and flow control system.

(i) The response time of this instrument shall be less than 1.5 second for 90 percent of full-scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(iii) The sample line and filter shall be heated to a set point ±10° F (±5.6° C)

between 300 and 390° F (149 and 199° C).

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 86.111–78 Fuel specifications.

(a) *Gasoline.*

(1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	100	96
Pb. (organic), grams/U.S. gallon		[1] 1.4	0.00–0.05
Distillation range:			
IBP [2], (degrees Fahrenheit)	D86	75–95	75–95
10-pct point, (degrees Fahrenheit)	D86	120–135	120–135
50-pct point, (degrees Fahrenheit)	D86	200–230	200–230
90-pct point, (degrees Fahrenheit)	D86	300–325	300–325
EP, (degrees Fahrenheit) (maximum)	D86	415	415
Sulphur, weight percent, maximum	D1266	0.10	.10
Phosphorus, grams/U.S. gallon, maximum		.01	.005
RVP,[3, 4] pounds	D323	8.7–9.2	8.7–9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aeromatics, percent, maximum	D1319	35	35
Saturates	D1319	[5]	[5]

[1] Minimum.
[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75–105.
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2.
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2.
[5] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.077–21(b)(3).

(b) *Diesel fuel.*

(1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D613	48–54	42–50
Distillation range	D86		
IBP (degrees Fahrenheit)		330–390	340–400
10-pct point (degrees Fahrenheit)		370–430	400–460
50-pct point (degrees Fahrenheit)		410–480	470–540
90-pct point (degrees Fahrenheit)		460–520	550–610
EP (degrees Fahrenheit)		500–560	580–660
Gravity, degrees API	D287	40–44	33–37
Total sulfur, percent	D129 or D2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D1319		
Aromatics, percent		8–15	[2] 27
Paraffins, naphthenes, olefins		[1]	[1]
Flashpoint (degrees Fahrenheit) (minimum)	D93	120	130
Voscosity, centistokes	D445	1.6–2.0	2.0–3.2

[1] Remainder.
[2] Minimum.

(3) Diesel fuel meetng the following specfications, or substantially equvalent specificatons approved by the Adminstrator, shall be used in service accumulaton. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type I–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D613	48-54	42-55
Distillation range			
IBP (degree Fahrenheit)		330-390	340-410
10-pct point, (degrees Fahrenheit)		370-430	400-470
50-pct point, (degrees Fahrenheit)		410-480	470-540
90-pct point, (degrees Fahrenheit)		460-520	550-610
EP (degrees Fahrenheit)		500-560	580-660
Gravity, degrees API	D287	40-44	33-40
Total sulfur, percent	D129 or D2622	0.05-0.20	0.2-0.5
Flashpoint, (degrees Fahrenheit) (minimum)	D93	120	130
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

(4) Other petroleum distillation fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.077-21(b)(3).

§ 86.112-78 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2 respectively using nitrogen as the diluent.

(2) Gases for the hydrocarbon analyzer shall be single blends of propane using air as the diluent.

(3) Gases for NOx analyzer shall be single blends of NO named as NOx with a maximum NO_2 concentration of 5 percent of the nominal value using nitrogen as the diluent.

(4) Fuel for the evaporative emission enclosure FID shall be a blend of 60 percent helium and 40 percent hydrogen containing less than 1 ppm equivalent carbon response.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide and 0.1 ppm nitric oxide.

(6) "Zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(b) Calibration gases shall be traceable to within 1 percent of NBS gas standards, or EPA gas standards or other gas standards which have been approved by the Administrator.

(c) Span gases shall be accurate to within 2 percent of true concentration, where true concentration refers to NBS gas standards, EPA gas standards or other gas standards which have been approved by the Administrator.

§ 86.113-78 EPA Urban Dynamometer Driving Schedule.

(a) The dynamometer driving schedule is listed in Appendix I. The driving schedule is defined by a smooth trace drawn through the specified speed vs. time relationships. It consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 86.133 is defined by upper and lower limits. The upper limit is 2 mph (3.2 kph) higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 mph (3.2 kph) lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. When conducted to meet the requirements of § 86.128 the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 mph (6.4 kph).

(c) Figure B78-4 shows the range of acceptable speed tolerances for typical points. Figures B78-4(a) is typical of portions of the speed curve which are increasing or decreasing throughout the two second time interval. Figure B78-4(b) is typical of portions of the speed curve which include a maximum or minimum value.

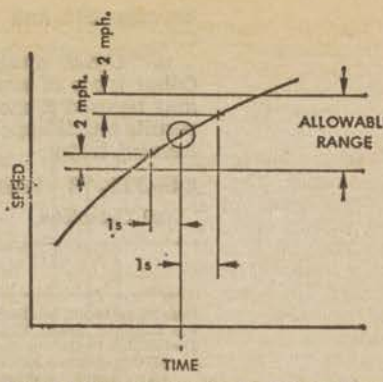


FIGURE B78-4a—DRIVERS TRACE, ALLOWABLE RANGE

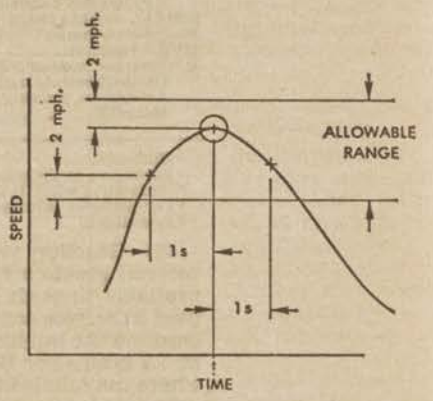


FIGURE B78-4b—DRIVERS TRACE, ALLOWABLE RANGE

§ 86.114-78 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.115 through 86.122.

(b) At least yearly or after any maintenance, enclosure background emission measurements shall be performed.

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzers (both evaporative and exhaust instruments), carbon dioxide analyzer, carbon monoxide analyzer, oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(3) Perform a hydrocarbon retention check and calibration on the evaporative emission enclosure.

(d) At least weekly or after any maintenance which could alter calibration,

the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification, and

(3) Run a performance check on the dynamometer. The check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.117).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

§ 86.115–78 Evaporative emission enclosure calibrations.

The calibration of the evaporative emission enclosure consists of three parts: Initial and periodic determination of enclosure background emissions; initial determination of enclosure internal volume; and periodic hydrocarbon retention check and calibration.

(a) *Initial and periodic determination of enclosure background emissions.* Prior to its introduction into service, annually thereafter, and after repair, the enclosure shall be checked to determine that it does not contain materials which will themselves emit hydrocarbons.

Proceed as follows:

(1) Zero and span (calibrate if required) the hydrocarbon analyzer.

(2) Purge the enclosure until a stable background hydrocarbon reading is obtained.

(3) Turn on the mixing blower (if not already on).

(4) Seal enclosure and measure background hydrocarbon concentration, temperature and barometric pressure. These are the initial readings C_{HCi}, T_i and P_{Bi} for the enclosure background determination.

(5) Allow the enclosure to stand undisturbed without sampling for four hours.

(6) Measure the hydrocarbon concentration on the same FID. This is the final concentration, C_{HCf}. Also measure final temperature and barometric pressure.

(7) Calculate the mass change of hydrocarbons in the enclosure according to the equations in paragraph (d). The enclosure background emissions shall not be greater than 0.4g for the 4 hours.

(b) *Initial determination of enclosure internal volume.* Prior to its introduction into service the enclosure internal volume shall be determined by the following procedure.

(1) Carefully measure the internal length, width and height of the enclosure, accounting for irregularities (such as braces) and calculate the internal volume.

(2) Perform an enclosure calibration check according to paragraph (c) steps (1) through (7).

(3) If the calculated mass does not agree within 2% of the injected propane mass, then corrective action is required.

(c) *Hydrocarbon retention check and calibration.* The hydrocarbon retention check provides a check upon the calculated volume and also measures the leak rate. Prior to its introduction into service and at least monthly thereafter the enclosure leak rate shall be determined as follows:

(1) Zero and span (calibrate if required) the hydrocarbon analyzer.

(2) Purge the enclosure until a stable background hydrocarbon reading is obtained.

(3) Turn on the mixing blower (if not already on).

(4) Seal enclosure and measure background hydrocarbon cencentration, temperature and barometric pressure. These are the initial readings C_{HCi}, T_i and P_{Bi} for the enclosure calibration.

(5) Inject into the enclosure a measured of pure propane. The propane may be measured by volume flow or by mass measurement. The method used to measure the propane shall have an accuracy and precision of ±0.5% of the measured value.

(6) After a minimum of five minutes of mixing, analyze the enclosure atmosphere for hydrocarbon content, also record temperature and pressure. These measurements are the final readings for the enclosure calibration as well as the initial readings for the retention check.

(7) To verify the enclosure calibration calculate the mass of propane using the measurements taken in steps (4) and (6). See paragraph (d). This quantity must be within ±2% of that measured in step 5 above.

(8) Allow the enclosure to remain sealed for a minimum of four hours without sampling and with the mixing blower operating. After four hours analyze the enclosure atmosphere for hydrocarbon content; record temperature and barometric pressure. These are the final readings for the hydrocarbon retention check.

(9) Calculate, using the equations in paragraph (d) and the readings taken in (6) and (8), the hydrocarbon mass change. It must be less than ±0.4 g or the enclosure cannot be used.

(d) *Calculations.* The calculation of net hydrocarbon mass change is used to determine enclosure background and leak rate. It is also used to check the enclosure volume measurements. The mass change is calculated from the initial and final readings of hydrocarbon concentration, temperature and pressure according to the following equation:

$$M_{HC} = k\,V \times 10^{-4}\left[\frac{C_{HCf}P_{Bf}}{T_f} - \frac{C_{HCi}P_{Bi}}{T_i}\right]$$

Where:

M_{HC} = hydrocarbon mass change, g

C_{HC} = hydrocarbon concentration as ppm carbon

V = net enclosure volume, ft^3 (m^3), as measured in (b)(1) above

P_B = barometric pressure, in. Hg(kPa)

T = enclosure ambient temperature, R(K)

k = 3.05

for SI units, k = 17.60

i = indicates initial reading

f = indicates final reading

NOTE.—Hydrocarbon concentration is stated in ppm carbon, that is, ppm propane x3. Expressions in parenthesis are for SI units.

§ 86.116–78 Dynamometer calibration.

(a) The dynamometer shall be calibrated at least once each month or performance verified at least once each week and then calibrated as required. The calibration shall consist of the manufacturer's recommended calibration procedure plus a determination of the dynamometer frictional power absorption at 50.0 mph (80.5 kph). One method for determining dynamometer frictional power absorption at 50.0 mph (80.5 kph) is described below, other methods may be used if shown to yield equivalent results. The measured absorbed road power includes the dynamometer friction as well as the power absorbed by the power absorption unit. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll(s) is (are) allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer. This method neglects the variations in roll bearing friction due to the drive axle weight of the vehicle. The difference in coastdown time of the free (rear) roll relative to the drive (front) roll may be neglected in the case of dynamometers with paired rolls. These procedures shall be followed:

(1) Devise a method to determine the speed of the drive roll if it is not already measured. A fifth wheel, revolution pick-up, or other suitable means may be used.

(2) Place a vehicle on the dynamometer or devise another method of driving the dynamometer.

(3) Engage the inertial flywheel or other inertial simulation system for the most common vehicle mass category for which the dynamometer is used.

(4) Drive the dynamometer up to 50.0 mph (80.5 kph).

(5) Record indicated road power.

(6) Drive the dynamometer up to 60.0 mph (96.9 kph).

(7) Disengage the device used to drive the dynamometer.

(8) Record the time for the dynamometer drive roll to coastdown from 55.0 mph (88.5 kph) to 45 mph (72.4 kph).

(9) Adjust the power absorption unit to a different level.

(10) Repeat steps 4 to 9 above sufficient times to cover the range of road power used.

(11) Calculate absorbed road power (HP_d). See paragraph (c).

(12) Plot indicated road load power at 50 mph (80.5 kph) versus road load power at 50 mph (80.5 kph) as shown in Figure B78–5.

(b) The performance check consists of conducting a dynamometer coast-down at one inertia-horsepower setting and comparing the coast-down time to that recorded during the last calibration. If

the coast-down times differ by more than 1 s, a new calibration is required.

(c) *Calculations.* The road load power actually absorbed by the dynamometer is calculated from the following equation:

$HP_d = (1/2)\ (W/32.2)\ (V_1^2 - V_2^2)/550t$

Where:

HP_d=Power, horsepower, (kilowatts)

W=Equivalent inertia, lb (Kg)

V_1=Initial Velocity, ft/s (m/s)
(55 mph=88.5 kph=80.67 ft/s=24.58 m/s)

V_2=Final Velocity, ft/s (m/s)
(45 mph=72.4 kph=66 ft/s=20.11 m/s)

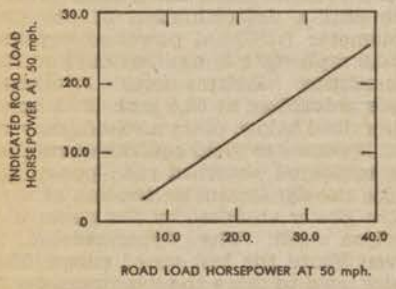


FIGURE B78-5 —ROAD LOAD HORSEPOWER, ACTUAL VS. INDICATED

t=elapsed time for rolls to coast from 55 mph to 45 mph (88.5 kph to 72.4 kph)

(Expressions in parenthesis are for SI units.) When the coast down is from 55 to 45 mph (88.5 to 72.4 kph) the above quotation reduces to:

$HP_d = 0.06073\ (W/t)$
for SI units,
$HP_d = 0.09984\ (W/t)$

§ 86.117–78 CVS calibration.

The CVS (Constant Volume Sampler) is calibrated using an accurate flowmeter and restrictor valve. Measurements of various parameters are made and related to flow through the unit. Procedures used by EPA for both PDP (Positive Displacement Pump) and CFV (Critical Flow Venturi) are outlined below. Other procedures yielding equivalent results may be used if approved in advance by the Administrator. After the calibration curve has been obtained, verification of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system, e.g. analyzer calibration. A verification procedure is found in paragraph (c).

(a) PDP calibration.

(1) The following calibration procedure outlines the equipment, the test configuration, and the various parameters which must be measured to establish the flow rate of the constant volume sampler pump. All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump. The colculated flow rate ft³/min. (at pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range used must be performed.

(2) This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top center and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (±2° F (1.1° C)) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

(3) During an exhaust emission test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

(4) Connect a system as shown in Figure B78–6. Although particular types of equipment are shown, other configurations that yield equivalent results may be used if approved in advance by the Administrator. For the system indicated, the following data with given accuracy are required:

Calibration data measurements

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	P_B	in. Hg (kPa)	±.01 in. Hg (±.034 kPa).
Ambient temperature	T_A	°F (°C)	±.5°F (±.28°C).
Air temperature into LFE	ETI	°F (°C)	±.1°F (±.046°C).
Pressure depression upstream of LFE	EPI	in. H_2O (kPa)	±.05 in. H_2O (±.012 kPa).
Pressure drop across the LFE matrix	EDP	in. H_2O (kPa)	±.005 in. H_2O (±.001 kPa).
Air temperature at CVS pump inlet	PTI	°F (°C)	±.5°F (±.28°C).
Pressure depression at CVS pump inlet	PPI	in. fluid (kPa)	±.05 in Fluid (±.022 kPa).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr.		
Pressure head at CVS pump outlet	PPO	in. fluid (kPa)	±.05 in. Fluid (±.022 kPa).
Air temperature at CVS pump outlet (optional).	PTO	°F (°C)	±.5°F (±.28°C).
Pump revolutions during test period	N	Revs.	
Elapsed time for test period	t	s.	±.05 s.

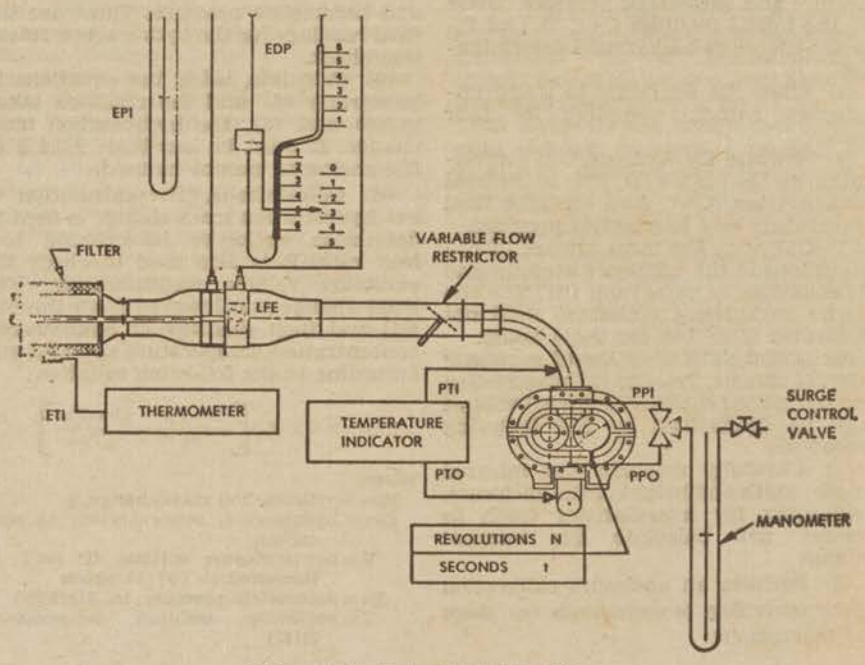
(5) After the system has been connected as shown in Figure B78–6, set the variable restrictor in the wide open position and run the CVS pump for twenty minutes. Record the calibration data.

(6) Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (about 4" H_2O (1.0 kPa) that will yield a minimum of six data points for the total calibration. Allow the system to stabilize for 3 minutes and repeat the data acquisition.

(7) *Data analysis:*

(i) The air flow rate, Qs, at each test point is calculated in standard cubic feet per minute from the flowmeter data using the manufacturer's prescribed method.

(ii) The air flow rate is then converted to pump flow, V_o, in cubic feet per revolution at absolute pump inlet temperature and pressure.



B78-6 —PDP-CVS CALIBRATION CONFIGURATION

$$V_o = \frac{Q_s}{n} \times \frac{T_p}{528} \times \frac{29.92}{P_p}$$

Where:
V_o = Pump flow, ft^3/revolution (m^3/revolution) at T_p, P_p
Q_s = Meter air flow rate in standard cubic feet per minute, standard conditions are 68° F.29.29 in. Hg (20°C, 101.3 kPa).
n = Pump speed revolutions per minute.
T_p = Pump inlet temperature, R(K) = PTI + 460
for SI units, T_p = PTI + 273
P_p = Absolute pump inlet pressure, in Hg (kPa) = P_B − PPI (SP.GR./13.57)
for SI units, $P_p = P_B - PPI$
Where:
P_B = barometric pressure, in. Hg (kPa)
PPI = Pump inlet depression, in. fluid (kPa)
SP. GR. = Specific gravity of manometer fluid relative to water.

(iii) The correlation function at each test point is then calculated from the calibration data:

$$X_o = \frac{1}{n}\sqrt{\frac{\Delta P_p}{P_e}}$$

Where:
X_o = Correlation function.
ΔP_p = The pressure differential from pump inlet to pump outlet, in. Hg (kPa) = $P_e - P_p$
P_e = Absolute pump outlet pressure, in. Hg (kPa) = $P_B + PPO$ (Sp. Gr./13.57)
for SI units, $P_e = P_B + PPO$

Where:
PPO = Pressure head at pump outlet, in. fluid (kPa)

(iv) A linear least squares fit is performed to generate the calibration equations which have the forms:

$$V_o = D_o - M(X_o)$$
$$n = A - B(\Delta P_p)$$

D_o, M, A, and B are the slope-intercept constants describing the lines.

(8) A CVS system that has multiple speeds should be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, D_o, will increase as the pump flow range decreases.

(9) If the calibration has been performed carefully, the calculated values from the equation will be within ±0.50% of the measured value of V_o. Values of M will vary from one pump to another, but values of D_o for pumps of the same make, model, and range should agree within ±3% of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at pump start-up and after major maintenance to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

(b) *CFV calibration.*

(1) Calibration of the Critical Flow Venturi (CFV) is based upon the flow equation for a critical venturi. Gas flow is a function of inlet pressure and temperature:

$$Q_s = \frac{K_v P}{\sqrt{T}}$$

Where:
Q_s = Flow
K_v = Calibration coefficient
P = Absolute pressure
T = Absolute temperature

The calibration procedure described below establishes the value of the calibration coefficient at measured values of pressure, temperature and air flow.

(2) The manufacturer's recommended procedure shall be followed for calibrating electronic portions of the CFV.

(3) Measurements necessary for flow calibration are as follows:

Calibration data measurements

Parameter	Symbol	Units	Tolerances
Barometric Pressure (corrected)	P_B	in. Hg (kPa)	±.01 in. Hg (±.034 kPa).
Air temperature, flowmeter	ETI	°F (°C)	±1° F (±.056°C).
Pressure depression upstream of LFE	EPI	in. H_2O (kPa)	±.05. in H_2O (±.012 kPa).
Pressure drop across LFE matrix	EDP	in. H_2O (kPa)	±.005 in. H_2O (±.001 kPa).
Air flow	Q_s	ft/min. (m/min.)	±.5%.
CFV inlet depression	PPI	in. fluid (kPa)	±.05 in. fluid (±.022 kPa).
Temperature at venturi inlet	T_v	°F (°C)	±.5°F (±.28°C).
Specific gravity of manometer fluid (1.75 oil).	Sp. Gr.		

(4) Set up equipment as shown in Figure B78–7 and check for leaks. Any leaks between the flow measuring device and the critical flow venturi will seriously affect the accuracy of the calibration.

(5) Set the variable flow restrictor to the open position, start the blower and allow the system to stabilize. Record data from all instruments.

(6) Vary the flow restrictor and make at least 8 readings across the critical flow range of the venturi.

(7) *Data analysis.* The data recorded during the calibration are to be used in the following calculations:

(i) The air flow rate, Qs, at each test point is calculated in standard cubic feet per minute from the flow meter data using the manufacturer's prescribed method.

(ii) Calculate values of the calibration coefficient for each test point:

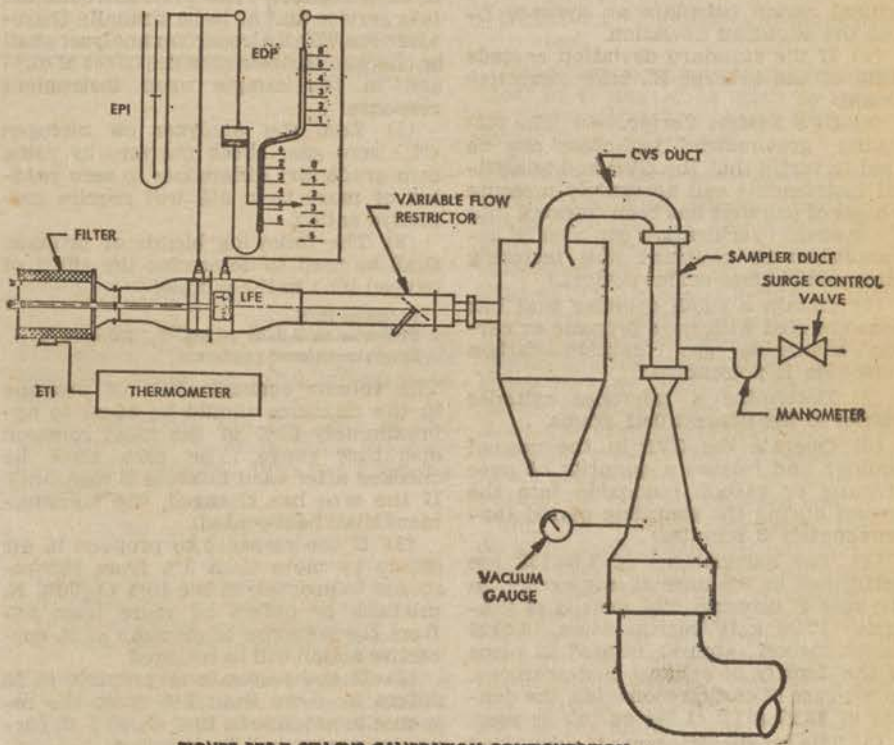


FIGURE B78-7 CFV-CVS CALIBRATION CONFIGURATION

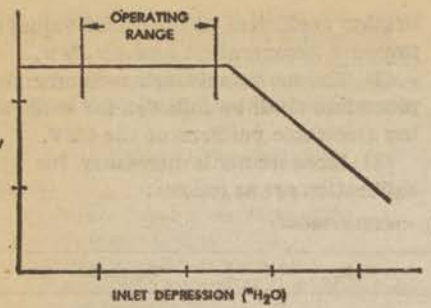


FIGURE B78-8—SONIC FLOW CHOKING

$$K_v = \frac{Q_s\sqrt{T_v}}{P_v}$$

Where:
Q_s=Flow rate in standard cubic feet per minute, standard conditions are 68° F, 29.92 in. Hg (20° C, 101.3 kPa).
T_v=Temperature at venturi inlet, R(K).
P_v=Pressure at venturi inlet, mm Hg (kPa) $=P_B-PPI$ (Sp. Gr./13.57).
for SI units $P_v=P_B-PPI$

Where:
PPI=Venturi inlet pressure depression, in. fluid (kPa).
Sp. Gr.=Specific gravity of manometer fluid, relative to water.

(iii) Plot K_v as a function of venturi inlet pressure. For sonic flow K_v will have a relatively constant value. As pressure decreases (vacuum increases) the venturi becomes unchocked and K_v decreases. See Figure B78–8.

(iv) For a minimum of 8 points in the critical region calculate an average K_v and the standard deviation.

(v) If the standard deviation exceeds 0.3% of the average K_v take corrective action.

(c) *CVS System Verification.* The following "gravimetric" technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system. (Verification can also be accomplished by constant flow metering using critical flow orifice devices.)

(1) Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous).

(2) Determine a reference cylinder weight to the nearest 0.01 grams.

(3) Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period (approximately 5 minutes).

(4) The calculations of § 86.138 are performed in the normal way except, in the case of propane. The density of propane (17.30 g/ft³/carbon atom (0.6109 kg/m³/carbon (atom)) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 32.97 g/ft³ (1.164 kg/m³) is used.

(5) The gravimetric mass is subtracted from the CVS measured mass and tnen divided by the gravimetric mass to determine the percent accuracy of the system.

(6) The cause for any discrepancy greater than ±2% must be found and corrected.

§ 86.118–78 Hydrocarbon analyzer calibration.

The FID hydrocarbon analyzer shall receive the following initial and periodic calibration (The HFID shall be operated to a set point ±10° F (± 5.5° C) between 300 and 390° F (149 and 199° C).

(a) Initial and periodic optimization of detector response. Prior to its introduction into service and annually thereafter the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response:

(1) Follow the manufacturer's instructions for instrument startup and basic operating adjustment using the appropriate fuel and zero grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer, a propane in air mixture with a propane concentration equal to approximately 90% of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, they are recorded for future reference.

(b) Initial and periodic determination of oxygen effect. Prior to its introduction into service and at least annually thereafter the FID hydrocarbon analyzer shall be checked to determine the effect of oxygen in the sample upon instrument response:

(1) Zero the analyzer on nitrogen (N_2) zero gas; check the zero by using zero grade air; differences in zero reading of more than 2% will require corrective action.

(2) The following blends of propane shall be used to determine the effect of oxygen (O_2) in the sample.

Propane in N_2
Propane in 9.5 to 10.5% O_2, balance N_2
Propane in zero grade air

The volume concentration of propane in the mixtures should be equal to approximately 90% of the most common operating range. The zero shall be checked after each mixture is measured. If the zero has changed, the measurement shall be repeated.

(3) If the response to propane in air differs by more than 3% from the response to propane in the 10% O_2/90% N_2 mixture, or differs by more than 5% from the response to propane in N_2 corrective action will be required.

(4) If the response to propane in N_2 differs by more than 2% from the response to propane in 10% O_2/90% N_2 corrective action will be required.

(c) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air.

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 50 and 100% of that range.

§ 86119–78 Carbon monoxide analyzer calibration.

The NDIR carbon monoxide analyzer shall receive the following initial and periodic calibrations:

(a) Initial and periodic interference check. Prior to its introduction into service and annually thereafter the NDIR carbon monoxide analyzer shall be checked for response to water vapor and CO_2:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance on the most sensitive range.

(2) Zero the carbon monoxide analyzer with either zero grade air or zero grade nitrogen.

(3) Bubble a mixture of 3% CO_2 in N_2 through water at room temperature and record analyzer response.

(4) An analyzer response of more than 1% of ful scale for ranges above 300 ppm full scale or of more thna 3 ppm on ranges below 300 ppm full scale will require correction action. (Use of conditioning columns is one form of corrective action which may be taken.)

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the NDIR carbon monoxide analyzer shall be calibrated.

(1) Adjust the analyzer to optimize performance.

(2) Zero the carbon monoxide analyzer with either zero grade air or zero grade nitrogen.

(3) Calibrate on each normally used operating range with carbon monoxide in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90% of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2% or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2% at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.120–78 Oxides of nitrogen analyzer calibration.

The chemiluminescent oxides of nitrogen analyzer shall receive the following initial and periodic calibration.

(a) Prior to its introduction into service and weekly thereafter the chemiluminescent oxides of nitrogen analyzer shall be checked for NO_x to NO converter efficiency. Figure B78–9 is a reference for the following steps:

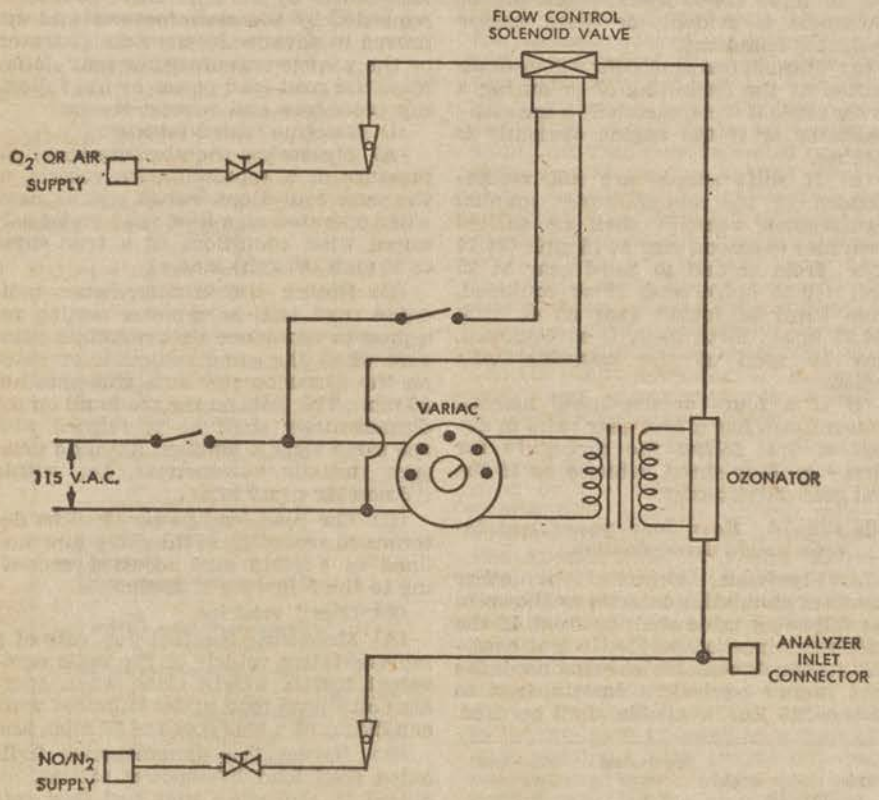
(1) Follow the manufacturer's instructions for instrument startup and

operation. Adjust the analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero grade air or zero grade nitrogen.

(3) Connect the outlet of the NOx generator to the sample inlet of the oxides of nitrogen analyzer which has been set to the most common operating range.

(4) Introduce into the NOx generator analyzer-system an NO in nitrogen (N_2) mixture with a NO concentration equal to approximately 80% of the most common operating range. The NO_2 content of the gas mixture shall be less than 5% of the NO concentration.



(SEE FIG. B78-3 FOR SYMBOL LEGEND)
FIGURE B78-9 —NOx CONVERTER EFFICIENCY DETECTOR

(5) With the oxides of nitrogen analyzer in the NO mode, record the concentration of NO indicated by the analyzer.

(6) Turn on the NOx generator O_2 (or air) supply and adjust the O_2 (or air) flow rates so that the NO indicated by the analyzer is about 10% less than indicated in step 5. Record the concentration of NO in this NO + O_2 mixture.

(7) Switch the NOx generator to the generation mode and adjust the generation rate so that the NO measured on the analyzer is 20% of that measured in step 5. There must be at least 10% unreacted NO at this point. Record the concentration of residual NO.

(8) Switch the oxides of nitrogen analyzer to the NOx mode and measure total NOx. Record this value.

(9) Switch off the NOx generation but maintain gas flow through the system. The oxides of nitrogen analyzer will indicate the NOx in the NO+O_2 mixture. Record this value.

(10) Turn off the NOx generator O_2 (or air) supply. The analyzer will now indicate the NOx in the original NO in N_2 mixture. This value should be no more than 5% above the value indicated in step 4.

(11) Calculate the efficiency of the NOx converter by substituting the concentrations obtained into the following equation:

$$\% \text{ Eff.} = \left(1 + \frac{a-b}{c-d}\right) \times 100$$

where

a=concentration obtained in step 8
b=concentration obtained in step 9
c=concentration obtained in step 6
d=concentration obtained in step 7

If converter efficiency is not greater than 90% corrective action will be required.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the chemiluminescent oxides of nitrogen analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples. Proceed as follows:

(1) Adjust analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero grade air or zero grade nitrogen.

(3) Calibrate on each normally used operating range with NO in N_2 calibration gases with nominal concentrations of 50 and 100% of that range.

§ 86.121–78 Carbon dioxide analyzer calibration.

Prior to its introduction into service and monthly thereafter the NDIR carbon dioxide analyzer shall be calibrated:

(a) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(b) Zero the carbon dioxide analyzer with either zero grade air or zero grade nitrogen.

(c) Calibrate on each normally used operating range with carbon dioxide in N_2 calibration gases with nominal concentrations of 15, 30, 45, 60, 75, and 90% of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2% or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2% at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.122–78 Calibration of other equipment.

Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.123–78 Test procedures, overview.

The procedures described in this and subsequent sections are used to determine the conformity of vehicles with the standards set forth in Subpart A for light duty vehicles and light duty trucks.

(a) The overall test consists of prescribed sequences of fueling, parking and operating conditions. Vehicles are either tested for only exhaust emissions or are tested for exhaust and evaporative emissions. The evaporative portion of the test procedure occurs before and after the exhaust emission test, and, in some cases, during the exhaust emission test.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles (12.1 km). The test consists of engine startups and vehicle operation on a chassis dynamometer, through a specified driving schedule. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler. (Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer).

(c) The evaporative emission test (gasoline fueled vehicles only) is designed to determine hydrocarbon evaporative

emissions as a consequence of diurnal temperature fluctuation, urban driving, and hot soaks during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in hydrocarbon vapor losses. The test procedure is designed to measure:

(1) Diurnal breathing losses resulting from daily temperature changes, measured by the enclosure technique;

(2) Running losses from suspected sources (if indicated by engineering analysis or vehicle inspection) resulting from a simulated trip on a chassis dynamometer, measured by carbon traps; and

(3) Hot soak losses which result when the vehicle is parked and the hot engine is turned off, measured by the enclosure technique.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077.

§ 86.124–78 Transmissions.

(a) All test conditions shall be run with automatic and automatic stick shift transmissions in "Drive" (highest gear); manual transmissions shall be run in highest gear, except as noted. Automatic stick-shift transmissions may be shifted as manual transmissions if requested by the manufacturer.

(b) Cars equipped with free-wheeling or overdrive units shall be tested with these units locked out of operation.

(c) Idle modes shall be run with automatic transmissions in "Drive" and the wheels braked, manual transmissions shall be in gear with the clutch disengaged; except first idle, see §§ 86.132 and 86.133.

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly. Automatic transmissions shall shift automatically through the normal sequence of gears; manual transmissions shall be shifted as recommended by the manufacturer with the operator releasing the accelerator pedal during each shift and accomplishing the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(f) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed. Manual transmission vehicles shall have the clutch engaged and shall not change gears from the previous mode. For those modes which decelerate to zero, manual transmission clutches shall be depressed when the speed drops below 15 mph (24.14 kph), when engine roughness is evident, or when engine stalling is imminent.

(g) Manual transmissions will be down shifted at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

(h) If shift speeds are not recommended by the manufacturer, manual transmission vehicles shall be shifted from first to second gear at 15 mph (24.14 kph), from second to third gear at 25 mph (40.23 kph), and, if so equipped, from third to fourth gear at 40 mph (64.37 kph). Fifth gear, if so equipped, may be used at the manufacturer's option.

(i) If a four- or five-speed manual transmission has a first gear ratio in excess of 5:1, follow the procedure for three- or four-speed vehicles as if the first gear did not exist.

§ 86.125–78 Road load power and inertia weight determination.

(a) Flywheels, electrical or other means of simulating intertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs) available shall be used.

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)	Road load power at 50 mph (horsepower)
Up to 1,125	1,000	5.9
1,126 to 1,375	1,250	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.3
2,126 to 2,375	2,250	8.8
2,376 to 2,625	2,500	9.4
2,626 to 2,875	2,750	9.9
2,876 to 3,250	3,000	10.3
3,251 to 3,750	3,500	11.2
3,751 to 4,250	4,000	12.0
4,251 to 4,750	4,500	12.7
4,751 to 5,250	5,000	13.4
5,251 to 5,750	5,500	13.9
5,751 to above	5,500	14.4

(b) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.116 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternative procedure requested by the manufacturer and approved in advance by the Administrator, or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Gasoline fueled vehicles.

(A) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph (80 kph), and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 mph. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.116 and adjusted according to the following if applicable.

(ii) Diesel vehicles.

(A) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph, and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 mph (80 kph). The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.116 and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (b)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

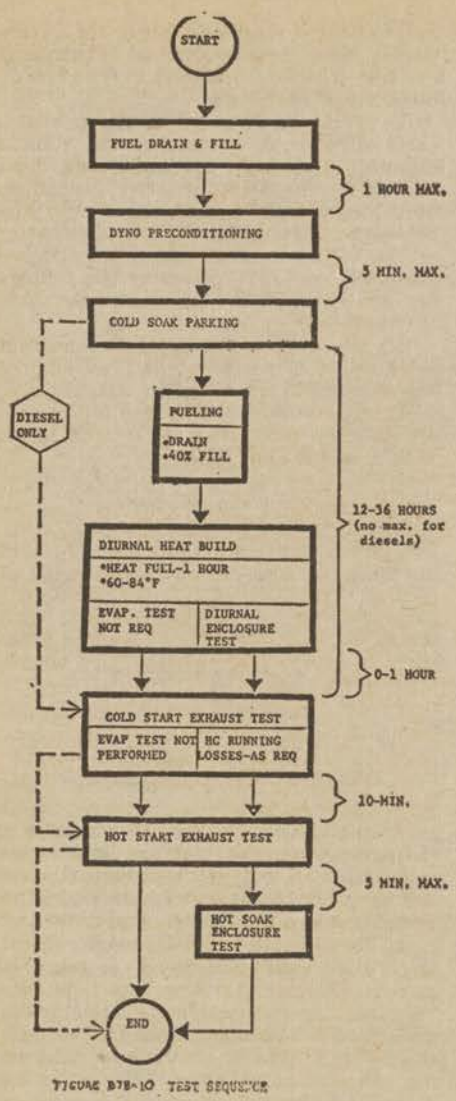


FIGURE B78-10 TEST SEQUENCE

§ 86.126–78 Test sequence, general requirements.

The test sequence shown in Figure B78–10 shows the steps encountered as the test vehicle undergoes the procedures subsequently described to determine conformity with the standards set forth. Ambient temperature levels encountered by the test vehicle throughout the test sequence shall not be less than 68° F (20° C) nor more than 86° F (30° C.) The vehicle shall be approximately level during all phases of the test sequence to prevent abnormal fuel distribution.

§ 86.127–78 Vehicle preparation.

(a) For gasoline fueled vehicles prepare the fuel tank(s) for recording the temperature of the prescribed test fuel at the approximate mid volume of the fuel.

(b) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank(s) as installed on the vehicle.

§ 86.128–78 Vehicle preconditioning.

(a) The vehicle shall be moved to the test area and the following operations performed:

(1) The fuel tank(s) shall be drained through the provided fueled tank(s) drain(s) and filled in the normal fashion to contain approximately 2 gallons (7.57 liters) of the specified test fuel, § 86.111 (for diesel powered vehicles the tank shall be filled to the prescribed "tank fuel volume", defined in § 86.078–2). When additional preconditioning, as described in (a)(3) is to be performed, additional fuel may be added up to the prescribed "tank fuel volume". For the above operations the evaporative emission control system shall neither be abnormally purged nor abnormally loaded.

(2) Within one hour of being fueled the vehicle shall be place, either by being driven or pushed, on a dynamometer and operated through one Urban Dynomometer Driving Schedule test procedure, see § 86.113 and Appendix I. A gasoline fueled test vehicle may not be used to set dynamometer horsepower.

(3) For those unusual circumstances where additional preconditioning is desired by the manufacturer, such preconditioning may be allowed with the advance approval of the Administrator. The Administrator may also choose to conduct or require the conduct of additional preconditioning to insure that the evaporative emission control system is stabilized. The additional preconditioning shall consist of an initial one hour minimum soak and, one, two or three driving cycles of the UDDS, as described in (a)(2), each followed by a soak of at least one hour with engine off, engine compartment cover closed and cooling fan off. The vehicle may be driven off the dynamometer following each UDDS for the soak period.

(b) Within five minutes of completion of preconditioning the vehicle shall be driven off the dynamometer and parked. The vehicle shall be stored for not less than 12 hours nor for more than 36 hours (except diesel fueled vehicles which have no maximum time limitation) prior to the cold start exhaust test. (Gasoline fueled vehicles undergo a one hour diurnal heat build prior to the cold start exhaust test. A wait of up to one hour is permitted between the end of the diurnal heat build and the beginning of the cold start exhaust test. See § 86.126 and Figure B78–10.)

(c) Vehicles to be tested for evaporative emissions shall be processed in accordance with procedures in §§ 86.129 through 86.134. Vehicles to be tested for exhaust emissions only shall be processed according to §§ 86.129 through 86.133.

§ 86.129–78 Diurnal breathing loss test.

(a)(1) Following vehicle preparation and vehicle preconditioning procedures described in § 86.127 and § 86.128 the test vehicle shall be allowed to soak for a period of not less than 12 hours or more than 36 hours prior to the exhaust emission test. The diurnal test shall take place not less than 10 or more than 35 hours after the end of the preconditioning procedure. The start of the exhaust test shall follow the end of the diurnal test within one hour.

(2) Gasoline fueled vehicles to be tested for exhaust emissions only, shall undergo the diurnal heat build. Since no evaporative measurements are necessary, an evaporative enclosure is not required.

(b) The evaporative emission enclosure shall be purged for several minutes immediately prior to the test.

NOTE.—If at any time the hydrocarbon concentration exceed 15,000 ppm C the enclosure should be immediately purged. This concentration provides a 4:1 safety factor against the lean flammability limit.

(c) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the test.

(d) If not already on, the evaporative enclosure mixing fan shall be turned on at this time.

(e) Immediately prior to the diurnal breathing loss test, the fuel tank(s) of the prepared vehicle shall be drained and recharged with the specified test fuel, § 86.111, to the prescribed "tank fuel volume," definied in § 86.078–2. The temperature of the fuel prior to its delivery to the fuel tank shall be between 50 and 60° F (10 and 16° C).

(f) The test vehicle, with the engine shut off, shall be moved into the evaporative emission enclosure, the test vehicle windows and luggage compartments shall be opened, the fuel tank temperature sensor shall be connected to the temperature recording system, and, if required, the heat source shall be properly positioned with respect to the fuel tank(s) and/or connected to the temperature controller.

(g) The enclosure doors shall be closed and sealed.

(h) The temperature-recording system shall be started.

(i) When the fuel temperature recording system reaches 60±1° F (16±0.5° C), immediaely:

(1) Analyze enclosure atmosphere for hydrocarbons and record. This is the initial (time=0 minutes) hydrocarbon concentration, C_{HC_i}, § 86.137.

(2) Start diurnal heat build and record time. This commences the 60±2 minute test period.

(j) The fuel shall be heated in such a way that its temperature change conforms to the following function to within ±2° F (±1.1° C):

$F = 60 + 0.4t$

for SI units, $C = 15.556 + (2/9)t$

Where:

F=fuel temperature, °F

C=fuel temperature, °C

t=time since beginning of test, minutes.

After 60±2 minutes of heating, the fuel temperature shall be 84±1° F (29±0.5° C).

(k) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the end of the diurnal test.

(l) The end of the diurnal breathing loss test occcurs 60±2 minutes after the heat build begins, subparagraph (i)(2). Analyze the enclosure atmosphere for hydrocarbons and record. This is the final (time=60 minutes) hydrocarbon concentration, CHFi, § 86.137. The time (or elapsed time) of this analysis shall be recorded.

(m) The heat source shall be turned off and and the enclosure doors unsealed and opened.

(n) The heat source shall be moved away from the vehicle, if required, and/or disconnected from the temperature controller, the fuel tank temperature sensor shall be disconnected from the temperatude recording system, the test vehicle windows and luggage compartments may be closed and the test vehicle, with the engine shut off, shall be removed from the evaporative emission enclosure.

§ 86.130–78 Running loss test.

(a) If an engineering analysis or vehicle inspection indicates the possibility of evaporative emissions during vehicle operation, evaporative emission running loss measurements shall be made during the cold transient and stabilized portion of the exhaust emission test. Since running loss measurements cannot be made in the enclosure, the equipment described in § 86.177–17 shall be used to collect these emissions.

(1) The procedure in § 86.131 shall be followed.

(2) Prior to the initiation of the cold start exhaust emission test, the vapor loss measurement system shall be connected to all suspected sources of running loss evaporative emissions.

(3) The cold start transient and stabilized exhaust emission test portions shall be conducted according to the procedures of § 86.131 through § 86.133.

(4) Within one minute after the end of the stabilized exhaust emission test, the vapor loss measurement system shall be disconnected from the vehicle and the inlets and outlets sealed.

(5) Within one hour from the end of the running loss measurement, weigh the vapor collection traps.

§ 86.131–78 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour and a maximum 36 hour soak according to the provisions of § 86.128 and § 86.129 and a "hot" start test following the "cold" start by 10 minutes. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. In the case of vehicles with front engine compartments, the fan shall be squarely positioned within 12 inches of the vehicle. In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan shall be placed in a position to provide sufficient air to maintain vehicle cooling. The fan capacity shall normally not exceed 5,300 cfm (2.50 m^3/s). If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, and that such additional cooling is needed to provide a representative test, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

(c) The vehicle speed as measured from the dynamometer rolls shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(e) The drive wheel tires may be inflated up to 45 psig (310 kPag) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the 2 hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 kph) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

§ 86.132–78 Engine starting and restarting.

(a) *Gasoline fueled vehicles.* Paragraph (a) applies to gasoline fueled vehicles.

(1) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20 second idle period shall begin when the engine starts.

(2) Choke operation:

(i) Vehicles equipped with automatic chokes shall be operated according to the instructions in the manufacturer's operating instructions or owner's manual including choke setting and "kickdown" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owners manual.

(3) The operator may use the choke, accelerator pedal, etc. where necessary to keep the engine running.

(4) If the manufacturer's operating instructions or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the accelerator pedal about half way and cranking the engine until it starts.

(b) *Diesel fueled vehicles.* The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second-idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The gas flow measuring device (or revolution counter) on the constant volume sampler (and the hydrocarbon integrator when testing diesel vehicles, see § 86.133, Dynamometer test runs) shall be turned off and the sample selector valves placed in the "standby" position during this diagnostic period. In addition, either the CVS should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period.

(1) If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(d) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.)

(e) Stalling:

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving sched-

ule indicator shall be stopped. When the vehicle restarts, the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle shall then be restarted and accelerated to the speed required at that point in the driving schedule and the test continued. During acceleration to this point, shifting shall be performed in accordance with § 86.124.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 86.133–78 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The cold start exhaust test shall follow the diurnal breathing loss test by not more than 1 hour. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 km) and simulates a hot start drive of 7.5 miles (12.1 km). The vehicle is allowed to stand on the dynamometer during the 10 minutes time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and position the cooling fan.

(3) With the sample selector valves in the "standby" position connect evacuated sample collection bags to the two dilute exhaust and two dilution air sample collection systems.

(4) Start the Constant Volume Sampler (if not already on), the sample pumps, the temperature recorder, the vehicle cooling fan and the heated hydrocarbon analysis recorder (diesel only). (The heat exchanger of the constant volume sampler, if used, diesel hydrocarbon analyzer continuous sample line and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rate to the desired flow rate (minimum of 10 cfh, 0.28 m^3/hr) and set the gas flow measuring devices to zero.

NOTE.—CFV–CVS sample flowrate is fixed by the venturi design.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, (turn on the diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable) and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 86.113).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off gas flow measuring device No. 1 (and the diesel hydrocarbon integrator No. 1, mark the diesel hydrocarbon recorder chart) and start gas flow measuring device No. 2 (and diesel hydrocarbon integrator No. 2). As soon as possible, and in no case longer than 20 minutes after the end of this portion of the test, transfer the "transient" exhaust and dilution air sample bags, to the analytical system and process the samples according to § 86.135.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 (and the diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, if applicable) and position the sample selector valves to the "standby" position. As soon as possible, and in no case longer than 20 minutes after the end of this portion of the test, transfer the "stabilized" exhaust and dilution air sample bags, to the analytical system and process the samples according to § 86.135.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the CVS or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in paragraph (b)(2) through (10) of this section for the hot start test, except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 (and diesel hydrocarbon integrator No. 1, mark the diesel hydrocarbon recorder chart, if applicable) and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.)

(18) As soon as possible, and in no case longer than 20 minutes after the end of this portion of the test transfer the hot start "transient" exhaust and dilution air sample bags, to the analytical system and process the samples according to § 86.135.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and drive vehicle from dynamometer.

(20) The constant volume sampler may be turned off, if desired.

(21) Vehicles to be tested for evaporative emissions will proceed according to § 86.134. For all others this completes the test sequence.

§ 86.134–78 Hot soak test.

The hot soak evaporative emission test shall be conducted immediately following the hot transient exhaust emission test.

(a) Prior to the completion of the hot start transient exhaust emission sampling period, the evaporative emission enclosure shall be purged for several minutes.

(b) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the test.

(c) If not already on, the evaporative enclosure mixing fan shall be turned on at this time.

(d) Upon completion of the hot transient exhaust emission sampling period, the vehicle engine compartment cover shall be closed, the cooling fan shall be moved, the vehicle shall be disconnected from the dynamometer and exhaust sampling system and then driven at minimum throttle to within 10 feet (3.3 m) of the vehicle entrance to the enclosure.

(e) The test vehicle windows and luggage compartments shall be opened.

(f) The temperature recording system shall be started.

(g) The vehicle's engine shall be shut off and the vehicle shall be pushed into the enclosure. The time of engine shutoff shall be noted on the evaporative emission hydrocarbon data recording system.

(h) The enclosure doors shall be closed and sealed within one minute of engine shutdown and within five minutes after the end of the exhaust test.

(i) The 60±0.5 minutes hot soak begins when the enclosure doors are sealed. The enclosure atmosphere shall be analyzed and recorded. This is the initial (time=0 minutes) hydrocarbon concentration, C_{HC_i}, for use in calculating evaporative losses, see § 86.137.

(j) The test vehicle shall be permitted to soak for a period of at least one hour in the enclosure.

(k) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the end of the test.

(l) At the end of the 60±0.5 minute test period, again analyze the enclosure atmosphere and record time. This is the

final (time=60 minutes) hydrocarbon concentration, C_{HCf}, for use in calculating evaporative losses, see § 86.137. This operation completes the evaporative emission measurement procedure.

§ 86.135–78 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each series of measurements:

(a) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(b) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(c) Check zeros; repeat the procedure in paragraphs (a) and (b) of this section if required.

(d) Check flowrates and pressures.

(e) Measure HC, CO, CO_2 and NOx concentrations of samples.

(f) For diesel vehicles, continuously record (integrate electronically if desired) dilute hydrocarbon emission levels during test. Background samples are collected in sample bags and analyzed as above.

(g) Check zero and span points. If difference is greater than 2% of full scale, repeat the procedure in paragraphs (a) through (f).

§ 86.136–78 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make, Vehicle identification number, Model year, Transmission type, Odometer reading, Engine displacement, Engine family, Evap. family, Idle rpm, Fuel system (fuel injection, nominal fuel tank(s) capacity, fuel tank(s) location, number of carburetors, number of carburetor barrels), Inertia loading, Actual curb weight recorded at 0 miles, Actual road load at 50 mph (80 kph) and drive wheel tire pressure, as applicable.

(g) Indicated road load power absorption at 50 mph (80 kph) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning, gain, serial number, detector number, range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometer pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used; provided that individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV–CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.119 and § 86.138) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for diesel vehicles only).

§ 86.137–78 Calculations; evaporative emissions.

The calculation of the net hydrocarbon mass change in the enclosure is used to determine the diurnal and hot soak mass emissoins. The mass is calculated from initial and final hydrocarbon concentrations in ppm carbon, initial and final enclosure ambient temperatures, initial and final barometric pressures, and net enclosure volume using the following equation:

$$M_{HC} = k\,V_n \times 10^{-4}\left[\frac{C_{HCf}\,P_{Bf}}{T_f} - \frac{C_{HCi}\,P_{Bi}}{T_i}\right]$$

Where:

M_{HC} = Hydrocarbon mass, g.

C_{HC} = Hydrocarbon concentration as ppm carbon.

V_n = Net enclosure volume, ft³ (m³) as determined by subtracting 50 ft³ (1.42 m³) (volume of vehicle with trunk and windows open) from the enclosure volume.

P_B = Barometric pressure, in. Hg (kPa).

T = Enclosure ambient temperature, R (K).

k = .208 (12+H/C)

for SI units, k = 1.2 (12+H/C).

Where:

H/C = Hydrogen-carbon ratio.

H/C = 2.33 for diurnal emissions.

H/C = 2.2 for hot soak emissions.

i = Indicates initial reading.

f = Indicates final reading.

§ 86.138–78 Calculations; exhaust emissions.

The final reported test results shall be computed by use of the following formula:

(a) For light duty vehicles and light duty trucks:

$$Y_{wm} = (0.43\,Y_{ct} + 0.57\,Y_{ht} + Y_s)/7.5$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e., HC, CO, or NOx, in grams per vehicle mile.

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon mass:

$HC_{mass} = V_{mix} \times Density_{HC} \times (HC_{conc}/1{,}000{,}000)$

(2) Oxides of nitrogen mass:

$NOX_{mass} = V_{mix} \times Density_{NO_2} \times K_H \times (NOx_{conc}/1{,}000{,}000)$

(3) Carbon monoxide mass:

$CO_{mass} = V_{mix} \times Density_{CO} \times (CO_{conc}/1{,}000{,}000)$

(4) Carbon dioxide mass:

$CO_{2mass} = V_{mix} \times Density_{CO_2} \times CO_{2conc}/100)$

(c) Meaning of symbols:

(1) HC_{mass} = Hydrocarbon emissions, in grams per test phase.

$Density_{HC}$ = Density of hydrocarbons is 16.33 g/ft³ (.5767 kg/m³), assuming an average carbon to hydrogen ratio of 1:1.85, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e., equivalent propane X 3.

$HC_{conc} = HC_e - HC_d(1-1/DF)$

Where:

HC_e = Hydrocarbon concentration of the dilute exhaust sample or, for diesel, average hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated HC traces, in ppm carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

(2) NOx_{mass} = Oxides of notrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen is 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

NOx_{conc} = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

$NOx_{conc} = NOx_e - NOx_d\ (1-1/DF)$

Where:

NOx_e = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOx_d = Oxides of nitrogen concentration of the dilute air as measured, in ppm.

(3) CO_{mass} = Carbon monoxide emisisons, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft³ (1.164 kg/m³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc} = CO_e - CO_d\ (1-1/DF)$

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation asumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1-0.01925\,CO_{2e} - 0.000323\,R)\,CO_{em}$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.136-78(n)).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1-0.000323\ R)\ CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE.—If a CO instrument which meets the criteria specified in § 86.110 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4) CO_{2mass} = Carbon dioxide emissions, in grams per test phase.

$Density CO_2$ = Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc} = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2conc} = CO_{2e} - CO_{2d}\ (1-1/DF)$

Where:

CO_{2d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5) $DF = 13.4/[CO_{2e} + (HC_e + CO_e)\ 10^{-4}]$

K_H = Humidity correction factor.

$K_H = 1/[1-0.0047\ (H-75)]$

for SI units $= 1/[1-0.033\ (H-10.7)]$

Where:

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478)\ R_a \times P_d]/[P_B - (P_d \times R_a/100)]$

for SI units, $H = [(6.0266) R_a \times P_d]/P_B - (P_d \times R_a/100)]$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528 R (293 K) and 760 mm Hg (101.3 kPa)).

For PDP-CVS, V_{mix} is:

$$V_{mix} = V_o \times \frac{N(P_B - P_1)\ (528\ R)}{(760\ mm\ Hg)\ (T_p)}$$

for SI units, $V_{mix} = V_o \times \frac{N(CP_B - P_1)\ (293.15\ K)}{(101.325\ kPa)\ (T_p)}$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (m³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_1 = Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, R(K).

(d) Example caculation of mass values of exhaust emissions using positive displacement pump:

(1) For the "transient" phase of the cold start test assume the following:

$V_o = 0.29344$ ft³/revolution; $N = 10{,}485$; $R = 48.0\%$; $R_a = 48.2\%$; $P_B = 762$ mm Hg; $P_d = 22.225$ mm Hg; $P_1 = 70$ mm Hg; $T_p = 570$ R; $HC_e = 105.8$ ppm, carbon equivalent; $NOx_e = 11.2$ ppm; $CO_{em} = 306.6$ ppm; $CO_{2e} = 1.43\%$; $HC_d = 12.1$ ppm; $NOx_d = 0.8$ ppm; $CO_{dm} = 15.3$ ppm.

Then:

$V_{mix} = (0.29344)\ (10{,}485)\ (762-70)\ (528)/(760)\ (570) = 2595.0$ ft³ per test phase.

$H = (43.478)\ (48.2)\ (22.225)/[762 - (22.225 \times 48.2/100)]$

$K_H = 1/[1-0.0047(62-75)] = 0.9424$

$CO_e = [1-0.01925\ (1.43) - 0.000323\ (48)]\ 306.0 = 293.4$ ppm

$CO_d = [1-0.000323\ (48)]\ 15.3 = 15.1$ ppm

$DR = 13.4/[1.43 + (105.8+283.4) \times 10^{-4}] = 9.11$

$HC_{conc} = 105.8 - 12.1\ (1-1/9.116) = 95.03$ ppm

$HC_{mass} = (2595)\ (16.33)\ (95.03/1{,}000{,}000) = 4.027$ grams per test phase.

$NOx_{conc} = 11.2 - 0.8\ (1-1/9.116) = 10.49$ ppm

$NOx_{mass} = (2595)\ (54.16)\ (10.49/1{,}000{,}000)\ (0.9424) = 1.389$ grams per test phase.

$CO_{conc} = 293.4 - 15.1\ (1-1/9.116) = 280.0$ ppm

$CO_{mass} = (2595)\ (32.97)\ (280/1{,}000{,}000) = 23.96$ grams per test phase.

(2) For the stabilized portion of the cold start test assume that similar calculations resulted in the following:

$HC_{mass} = 0.62$ grams per test phase

$NOx_{mass} = 1.27$ grams per test phase

$CO_{mass} = 5.98$ grams per test phase

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in the following:

$HC_{mass} = 0.51$ grams per test phase

$NOx_{mass} = 1.38$ grams per test phase

$CO_{mass} = 5.01$ grams per test phase

(4) Weighted mass emission results:

$HC_{wm} = [(0.43)\ (4.027) + (0.57)\ (0.51) + 0.62]/7.5 = 0.352$ grams per vehicle mile.

$NOx_{wm} = [(0.43)\ (1.389) + (0.57)\ (1.38) + 1.27]/7.5 = 0.354$ grams per vehicle mile.

$CO_{wm} = [(0.43\ (23.96) + (0.57)\ (5.01) + 5.98]/7.5 = 2.55$ grams per vehicle mile.

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federal register

TUESDAY, JANUARY 13, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary

■

NATIVE AMERICAN PROGRAMS

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 1336]

NATIVE AMERICAN PROGRAM AND ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations for the purpose of implementing the Native American Programs Act, Title VIII of the Economic Opportunity Act of 1964, as amended by the Headstart, Economic Opportunity, and Community Partnership Act of 1974, Pub. L. 93–644, approved January 4, 1975. Title VIII authorizes financial assistance to promote economic and social self-sufficiency for Native Americans (American Indians, Native Hawaiians and Alaskan Natives). For this purpose, it is proposed to add Part 1336 to 45 CFR Chapter XIII.

Part 1336 provides for financial assistance to public and private nonprofit agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and private nonprofit agencies serving Native Hawaiians, and Indian organizations in urban or rural non-reservation areas, for projects which promote the economic and social self-sufficiency of Native Americans. Part 1336 also provides for training and technical assistance in developing, conducting, and administering projects under Title VIII and for research, demonstration, and pilot projects to test and develop innovative methods to overcome the special problems of Native Americans. Part 1336, in addition, provides for the evaluation of all projects assisted under Title VIII.

Part 1336 contains grants administrative provisions (Subpart G) which are applicable to all grants under this part. These include application requirements and criteria for obtaining an increase in Federal financial assistance above 80 percent of the approved costs of the assisted project. Part 1336 also incorporates by reference, with certain exceptions, the provisions of Part 74, Administration of Grants; Subparts A, C, and D of Part 1303, Appeals Procedures for Headstart Grantees; other parts of Title 45 of the Code of Federal Regulations; and certain enumerated chapters of the Department of Health, Education, and Welfare Grants Administration Manual.

The basis for the proposed rules is to strengthen the capacities of Native Americans to plan, establish, manage, and evaluate programs of social and economic development that further the statutory goals.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed Part 1336 on or before February 27, 1976 to the Office of Native American Programs, Office of Human Development, Department of Health, Education, and Welfare, 400 Sixth Street, SW., Room 4805, Washington, D.C. 20201. All written submissions made pursuant to the Notice will be made available for public inspection at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (Area Code 202–426–3960).

(Catalog of Federal Domestic Assistance Programs number is 13.612)

Dated: October 29, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: January 2, 1976.

MARJORIE LYNCH,
Acting Secretary.

Chapter XIII of Title 45 of the Code of Federal Regulations is amended by adding Part 1336 as follows:

PART 1336—NATIVE AMERICAN PROGRAM

Subpart A—Definitions

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1336.1 Definitions.

Subpart B—Purpose of the Native American Program

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1336.59 Grant closeout, suspension, and termination.

AUTHORITY: 88 Stat. 2324 (42 U.S.C. 2991).

Subpart A—Definitions

§ 1336.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Native American Programs Act of 1974, Title VIII of the Economic Opportunity Act of 1964, as amended by the Headstart, Economic Opportunity and Community Partnership Act of 1974 (Pub. L. 93–644).

(b) "Alaskan Native" means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Alaskan Native as so defined, either or booth of whose adoptive parents are not Alaskan Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaskan Native by the Alaskan Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as an Alaskan Native by a village or group.

(c) "Alaskan Native Regional Corporation" means an Alaskan Native Regional Corporation established under the laws of the State of Alaska in accordance with the provisions of the Alaska Native Claims Settlement Act (Pub. L. 92–203, December 17, 1971).

(d) "Alaskan Native Village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (Pub. L. 92–203, December 17, 1971), or which meets the requirements of that Act, and which the Secretary of the Interior determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary of the Interior, who shall make findings of fact in each instance), composed of twenty-five or more Natives.

(e) "American Indian or Indian" means any person who is a member or a descendant of a member of a tribe, band, or other organized group of aboriginal peoples of the United States. It includes any citizen of the United States who is regarded as an Indian by the Indian group of which he or she claims to be a member.

(f) "Budget period" means the interval of time, usually 12 months, for which funds are awarded.

(g) "Community" or "Service area" means an Indian reservation, neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to provide services to a designated constituency pursuant to this part.

(h) "Economic and social self-sufficiency" means the capacity of Native Americans to define and achieve their own economic and social goals.

(i) "Economic development projects" mean those projects which result in long term improvements in Native American economic self-sufficiency.

(j) "Federal reservation" means land which has been set aside for Indian tribes, as identified by the Bureau of Indian Affairs, and for which the United States is trustee, as well as non-trust land under tribal jurisdiction of Federally recognized Indian tribes.

(k) "Financial assistance" means assistance advanced by the Office of Native American Programs by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services.

(l) "Governing body of an Indian tribe" means those duly elected or appointed representatives who have the authority to provide services to, and enter into contracts, agreements and grants on behalf of, their constituency.

(m) "Grants Administration Manual" (hereinafter referred to as "the GAM") means the Department of Health, Education, and Welfare staff manual which sets forth policies for the administration of grants by agencies of the Department. The manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional office information centers pursuant to the Department's public information regulation (45 CFR Part 5).

(n) "Hawaiian homestead" means that land which was set aside for the particular and exclusive use of Native Hawaiians by the Hawaiian Homes Commission Act (42 Stat. 108, July 9, 1921).

(o) "Human development services" means the full range of services necessary for human development including social services, training and education.

(p) "Indian organization" means a public or private nonprofit agency whose principal purpose is promoting the economic or social self-sufficiency of Indians in urban or rural non-reservation areas, the majority of whose governing board and membership is Indian.

(q) "Indian tribe" means a distinct political community of Indians which exercises powers of self-government.

(r) "Infrastructure" means the basic economic and social facilities, institutions and installations in a community.

(s) "Major disaster" means any hurricane, tornado, storm, flood, highwater, wind-driven water, tidal wave, earthquake, drought, fire, accident or other catastrophe which is of such severity and magnitude as to directly affect the capability of the grantee, providing services to the damaged community, to continue the program unless the Federal share of the approved costs is increased above 80 percent.

(t) "Native American" means American Indians, Native Hawaiians, and Alaskan Natives, as defined in this subpart.

(u) "Native Hawaiian" means any individual, any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

(v) "OHD" means the Office of Human Development within the Department of Health, Education, and Welfare.

(w) "ONAP" means the Office of Native American Programs within the Office of Human Development.

(x) "Responsible HEW official" means the official of the Department of Health, Education, and Welfare authorized to grant the financial assistance in question, or his designee.

(y) "Secretary" means the Secretary of Health, Education, and Welfare or his designee.

(z) "State reservation" means an Indian reservation recognized by the State in which it is located.

Subpart B—Purpose of the Native American Program

§ 1336.5 Program purpose.

The purpose of this part is to promote the goal of economic and social self-sufficiency for Native Americans.

Subpart C—Financial Assistance for Native American Projects

§ 1336.10 Eligibility.

Financial assistance under this subpart may be made to public and private nonprofit agencies, including but not limited to, governing bodies of Indian tribes on Federal and States reservations, Alaskan Native Villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit agencies serving Native Hawaiians, and Indian organizations in urban or rural non-reservation areas.

§ 1336.11 Type of projects supported.

Financial assistance will be provided to those applicants whose proposed program goals and objectives are to promote the economic and social self-sufficiency of Native Americans. Financial assistance under this subpart will include, but is not limited to, projects which:

(1) Support community economic development;

(2) Support locally determined human service priorities which would not otherwise be provided;

(3) Support the operation of urban centers for Native Americans living off reservations; and

(4) Strengthen the planning and management capacities of tribal governments, urban centers, and organizations receiving financial assistance under this part.

§ 1336.12 Approval of grants.

In approving proposals for financial assistance under this subpart consideration will be given to the extent to which proposals focus on priorities consistent with the following ONAP long range goals:

1. To develop the capacity of Native American governing bodies and organizations to use and focus on planning as the basic method to improve resource allocations and effectiveness of services in Native American communities;

2. To achieve the development of the necessary social and economic infrastructure in Native American communities to increase self-sufficiency; and

3. To eliminate, through Native American governing institutions, the most critical gaps in the range of human development services necessary for self-sufficiency.

Subpart D—Training and Technical Assistance

§ 1336.20 Eligibility.

(a) Contracts for technical assistance to aid in developing, conducting, and administering projects under this part may be made to public and private agencies.

(b) Short-term in-service training for specialized or other personnel may be provided by contract to agencies receiving financial assistance under this part.

§ 1336.21 Types of training and technical assistance.

(a) Contracts for training and technical assistance will be awarded for the purposes of providing management assistance and program assistance.

(1) Contracts to provide management assistance will have as their overall objective strengthening the capabilities of Native Americans to exercise self-government. Such capacity-building efforts will include assistance in planning, management, and organizational development.

(2) Contracts to provide program assistance will be of a general support nature and will include, but are not limited to, assistance in program evaluation, fiscal and administrative management, and resource mobilization.

(b) Management assistance and program assistance may include short-term in-service training for employees of grantees and members of Indian governing bodies, such as tribal council members and off-reservation Indian organization board members.

Subpart E—Research, Demonstration, and Pilot Projects

§ 1336.30 Eligibility.

Financial assistance under this subpart may be made to public or private nonprofit agencies.

§ 1336.31 Scope of research, demonstration, and pilot projects.

(a) Financial assistance will be provided for research, demonstration, or pilot projects which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this part. This may include: (1) research activities designed to identify and resolve problems which hinder the attainment of social and economic self-sufficiency by Native Americans; and (2) pilot or demonstration efforts designed to test innovative methods to meet and solve problems related to the purposes of this part and to encourage the delivery of human development services to Native Americans.

Subpart F—Project Evaluations

§ 1336.40 Evaluation.

(a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this part. Such evaluations shall describe and measure the impact of such projects and their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects.

(b) In carrying out evaluations of projects supported under this part, the specific views of persons participating in and served by such projects will be so-

licited, where feasible. All studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

(c) Interim standards for the evaluation of program and project effectiveness in achieving the objectives of this part were published on July 2, 1975, in the FEDERAL REGISTER (40 FR 27961). According to Section 810(b) of the Act, the extent to which these standards have been met shall be considered by the Secretary in deciding whether to renew or supplement financial assistance under this part. All grantees shall provide the Secretary with information deemed necessary to determine the extent to which they are complying with these standards.

Subpart G—Grants Administrative Provisions

§ 1336.50 General.

The provisions of Part 74 of this title establishing uniform administrative requirements and costs principles, shall apply to all grants awarded under this part, with the exception of § 74.61(h). The following provisions shall apply in lieu of § 74.61(h):

(a) *Audit requirements.* (1) *General.* An annual project audit shall be made by an independent auditor to determine whether the financial statements fairly present the financial position of the OHD grant; whether the grantee is complying with the terms and conditions of the grant, including applicable laws, regulations, and directives; and whether appropriate financial and administrative procedures and controls have been installed and are operating effectively.

(2) *Audit coverage.* The audit shall cover the grantee's prior budget period, unless the responsible HEW official has approved in writing a different audit period.

(3) *Submission of report.* The auditor shall submit its audit to the grantee within four months after the end of the budget period. The grantee shall transmit seven (7) copies of the report to the appropriate Regional Audit Director and two (2) copies to the responsible HEW official. OHD grant funds may not be used to pay for more than one audit annually, except in instances when the responsible HEW official requests in writing additional audits.

(4) *Delegate agencies.* The grantee shall include delegate agency audits as part of its annual audit or shall provide for separate independent audits for its delegate agencies.

(b) *Independent auditor.* The annual project audit shall be conducted by individuals who are sufficiently independent of those persons who authorize the expenditure of grant funds in order that unbiased opinions, conclusions or judgments may be obtained. Generally, an independent certified public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, will be retained. If the grantee is a State or local government agency, or if its accounting records are maintained by a local government or public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor.

§ 1336.51 Application, review, award, and amendment of grants.

(a) *Eligibility.* In addition to the eligibility criteria set forth in §§ 1336.10, 1336.20, and 1336.30 of this part, the provisions of Chapter 1-00, Eligibility for Grants, of the GAM shall apply to all grants awarded under this part.

(b) *Application.* Any applicant eligible for financial assistance under this part shall submit an application in accordance with the forms and instructions prescribed herein or otherwise provided. The application shall contain at least the following information:

(1) A detailed budget;

(2) A budget justification which justifies the proposed program as well as clearly relates the proposed program to the acomplishment of long range goals for increasing economic and social self-sufficiency;

(3) The qualifications of the principal staff members to be responsible for the project or program;

(4) A description of the long-range goals of the proposed project or program, as well as the specific annual goals and the methods to be used in implementing these goals;

(5) A description of the actual results obtained from previously funded projects or programs and a brief comparison with the results originally expected;

(6) A statement of compliance with the maintenance of effort provisions of § 1336.54(b);

(7) A description of the innovative features of the project or program;

(8) A description of the total Federal and nonfederal resources anticipated to be available for the proposed project or program. This description shall identify the relationship, if any, between the proposed project or program and other Federal, State, or local programs;

(9) A description of the arrangements for participation of the population to be served in the planning of the program; and

(10) A description of the provisions that have been made for an evaluation of the project or program in accordance with § 1336.40 and the Evaluation Standards published in 40 FR 27961 (July 2, 1975).

(c) *Fiscal capability of applicants.* In determining whether to provide financial assistance under this part, the responsible HEW official will consider the extent to which the applicant is fiscally capable of administering an ONAP project in accordance with the standards set forth in Subpart H of 45 CFR Part 74 with the exception of § 74.61(h). In making this determination, the responsible HEW official may require the applicant to submit, with its application, an accounting certification prepared by an independent auditor (as defined in § 1336.50(b)). The certification shall state that the prospective grantee and its delegate agencies have established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of their accounting data, promote operating efficiency and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by OHD.

(d) *Disposition of applications.* (1) *General.* On the basis of a review of an application for financial assistance under this part, the responsible HEW official will approve the application in whole or in part for such amount of funds and subject to such conditions as may be deemed necessary or desirable for the completioin of the approved project; disapprove the application; or defer action on the application for such reasons as incompleteness of application or unavailability of funds.

(2) *Reconsideration.* Any deferral or disapproval of an application shall not preclude its resubmission by the applicant or reconsideration by the responsible HEW official.

(3) *Notification of disposition.* The responsible HEW official will notify the applicant in writing of the disposition of its application. A signed "Notice of Grant Awarded" will be issued to notify the applicant of an approved project application.

(e) *Amendments.* Requests for an amendment to the work plan or budget of a funded project shall be submitted in the same manner and on the same forms as the original application. Only those pages of the required forms relating to the requested changes shall be submitted. A revised "Notice of Grant Awarded" will be issued to notify the applicant of any approved amendments.

(f) *Grant awards.* The responsible HEW official will award a grant for financial assistance to those applicants whose approved projects will best promote the purpose of the Act and this part. All grant awards shall be in writing, and shall set forth the amount of funds awarded, the purposes for which funds are awarded and the budget period for which support is given. The initial award shall also specify the project period for which support is contemplated, provided the activity is satisfactorily carried out and Federal funds are available. Grantees applying for continuation support shall make separate applications in accordance with instructions which will be provided.

(g) *Effective date of approved project.* Federal financial assistance is available only for those obligations which are incurred subsequent to the effective date of an approved project. The effective date of the project will be set forth in the "Notice of Grant Awarded."

(h) *Submission of plans to State and local officials.* (1) Financial assistance will not be provided under Subparts C and E of this part for programs to be carried out on an Indian reservation or Alaskan Native village, until a plan (grant application and "Notice of Grant

Awarded") setting forth the project has been submitted by the responsible HEW official to the governing body of that reservation or village, and the plan has not been disapproved by the governing body of that reservation or village within thirty days of its submission.

(2) Financial assistance will not be provided under Subparts C and E of this part for programs to be carried out in a State, other than on an Indian reservation or Alaskan Native village or Hawaiian Homestead, until the responsible HEW official has notified the chief executive officer of the State of his decision to provide that assistance.

(3) Financial assistance will not be provided under Subparts C and E of this part for programs to be carried out in a city, county, or other major political subdivision of a State, other than on an Indian reservation, Alaskan Native village, or Hawaiian Homestead, until the responsible HEW official has notified the local governing officials of his decision to provide that assistance.

(4) The provisions of Chapter 1–140, Project Notification and Review System, of the GAM shall apply to all grants awarded under this part.

§ 1336.52 Cost sharing, matching and payments.

(a) *Matching requirements.* (1) Federal financial assistance shall not exceed 80 percent of the approved cost of the assisted project except as provided in § 1336.52(a)(2). The nonfederal share may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment and services.

(2) Increase in Federal financial participation.

(i) Eligibility and application. (A) A grantee carrying on a program in a community having a per capita income of less than $1,500 per year based on data from the 1970 U.S. Census of Population or any more recent reliable source of annual per capita income data, or in a community which has been involved in a major disaster, is eligible to apply in writing to the responsible HEW official to have the Federal share increased above 80 percent.

(B) The application to have the Federal share increased above 80 percent shall state: (*1*) the annual per capita income of the community and the basis on which it was determined, or the belief that the community has been involved in a major disaster, and an explanation of the nature and extent of the major disaster; (*2*) that because of the level of the annual per capital income of the community, or the major disaster, the grantee is unable to meet the 20 percent nonfederal share; (*3*) the amount of the nonfederal share the grantee is able to provide; and (*4*) that a reasonable effort to provide more nonfederal share has been unsuccessful.

(C) An application based upon the annual per capita income of the community shall be submitted at the same time as the application for funding or refunding and shall be with respect to the same budget period as the application. Approval shall be only for such budget period.

(D) An application based upon the involvement of the community in a major disaster shall be submitted within a reasonable time after the major disaster and may be for the remainder of the current budget period and all or part of any subsequent budget period.

(ii) Decision. (A) The responsible HEW official, on the basis of the written application and any evidence in support of the application that he may require, shall approve financial assistance in excess of 80 percent if it is determined that the annual per capita income of the community is less than $1,500 or that the community has been involved in a major disaster, and that such increase is required to enable the grantee to carry on the program.

(B) If the annual per capita income of the community is determined to be less than $1,500, the Federal share may be increased to an amount which the responsible HEW official finds is required to enable the grantee to carry on the program up to 100 percent of the approved costs.

(C) If a determination is made that the community has been involved in a major disaster, the Federal share may be increased to an amount which the responsible HEW official finds is required to enable the grantee to carry on the program up to 100 percent of the approved costs. The increase shall be applicable to the remainder of the current budget period and to as much of any subsequent budget period as the responsible HEW official determines to be appropriate.

(D) The decision of the responsible HEW official shall be in writing and shall include a statement of the facts and reasons upon which it is based. Copies of the decision shall be furnished to the applicant and the Director, Office of Native American Programs.

(iii) The per capita income limitation enumerated in paragraph (2)(i)(A) above shall be adjusted annually by multiplying the dollar limitation by the percentage change in the Consumer Price Index.

(b) *Payments.* Grant funds awarded under this part will be made in installments, either by check or by letter of credit.

(c) *Limitation of costs.* The amount of the award shall be set forth in the grant award document ("Notice of Grant Awarded"). The total cost to the Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the responsible HEW official which meets the requirements of applicable statutes and regulations. The Government will not be obligated to reimburse the grantee for costs incurred in excess of such amount unless and until the responsible HEW official has notified the grantee in writing that such amount has been increased and specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the maximum cost to the Government for the performance of the program or project.

§ 1336.53 Public policy requirements.

(a) *Protection of human subjects.* The provisions of Part 46, Protection of Human Subjects, of this title are applicable to all grants awarded under this part.

(b) *Nondiscrimination.* The provisions of Part 80, Nondiscrimination Under Programs Receiving Federal Assistance, and Part 81, Practice and Procedures for Hearings under Part 80, of this title are applicable to all grants awarded under this part.

§ 1336.54 Financial and administrative requirements.

(a) *Use of consultants.* The provisions of Chapter 1–45, Use of Consultants, of the GAM shall apply to all grants awarded under this part.

(b) *Maintenance of effort.* Applications for grants awarded under this part shall include a written assurance that the activities provided under the program will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

(c) *Personnel administration.* (1) *Personnel policies and procedures.* Grantees shall adopt personnel policies and procedures which shall include at least the following: Staff qualifications; recruitment and selection; classification of positions and basis for determination of pay; employee benefits, including leave, holidays, overtime, and fringe benefits; expenses, including travel and per diem; training, career development, and performance evaluation; employee-measurement relations, including grievance, termination and employment and other adverse actions; and employee conduct including outside employment, acceptance of gifts and gratuities.

(2) *Documentation of personnel policies.* The personnel policies and procedures required by paragraph (1) above shall be documented in writing and shall be issued to, or made available to, all grantee employees.

(3) *Political activities.* The provisions of § 70.6 of this title shall apply to all grants awarded under this part.

(4) *Conflict of interest.* Grantees shall establish or adopt rules to assure that employees or individuals participating in a program or project funded under this part shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, buisness or other ties.

(5) *Nepotism.* (i) No grantee or delegate agency shall hire, or permit the hiring of, any individual in a position funded in whole or in part under this part if a member of that individual's immediate family is employed by the grantee in an administrative capacity or is a member of the governing board. For the purpose of this part, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, sister, or other legal dependent; the term

"administrative capacity" means a position having responsibilities relating to the selection, hiring, or supervising of employees.

(ii) The responsible HEW official may waive the requirement of paragraph (i) above when a grantee or delegate agency cannot adequately staff the positions without hiring more than one person from the same immediate family. Such grantees or delegate agencies shall demonstrate that no other individuals within its community or service area are qualified and/or available for employment.

(6) *Labor standards.* All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting or decorating, of buildings or other facilities in connection with projects assisted under this part shall be paid wages at rates no less than those prevailing on similiar construction in the locality, as determined by the Secrtary of Labor in accordance with the Davis-Bacon Act, as amended.

(d) *Direction of research effort.* The provisions of Chapter 2-400, Review and Direction of Research Effort Under Research Grants, of the GAM shall apply to all research grants awarded under Subpart E of this part.

(e) *Delegation of program operations.* A delegation of program operations to a delegate agency shall require specific prior approval by the responsible HEW official. Such delegation shall be formalized by written agreement and shall be on file in the office of the grantee. The agreement shall specify the activities to be performed by the delegate agency, the time schedule, the policies and procedures to be followed, the dollar limitations and the costs allowed. A budget for each delegate agency shall be submitted as part of the grantee's application.

§ 1336.55 Report requirements.

The grantee shall submit reports in such form and containing such information as prescribed by the Secretary and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 1336.56 Grantee procurements.

The provisions of Chapter 1-46, Use of Small Businesses and Minority-Owned Businesses, of the GAM shall apply to all grants awarded under this part.

§ 1336.57 Property requirements.

(a) The provisions of Part 6, Inventions and Patents (General), of this title shall apply to all grants awarded under this part.

(b) The provisions of Part 8, Inventions Resulting from Research Grants, Fellowship Awards and Contracts for Research, of this title shall apply to all grants and contracts awarded under Subpart E of this part.

§ 1336.58 Allowability of costs.

(a) The following chapters of the GAM shall apply to all grants awarded under this part.

(1) Chapter 1-44, Alteration and Renovation of Facilities with DHEW Grant Funds Appropriated for Other Than Construction;

(2) Chapter 6-10, Charges for Leased Facilities and Equipment;

(3) Chapter 6-60, Charges for Facilities Purchased or Constructed by State and Local Governments;

(4) Chapter 6-100, Establishment of Indirect Cost Rates;

(5) Chapter 6-110, Use of Special Indirect Cost Rates;

(6) Chapter 6-120, Treatment of Costs of Services Provided by Affiliated Organizations;

(7) Chapter 6-150, Reimbursement of Indirect Costs; and

(8) Chapter 6-160, Reimbursement of Indirect Costs on Training Grants.

(b) The provisions of Part 75, Informal Grant Appeals Procedures (indirect costs), of this title shall apply to all grants awarded under this part.

(c) Grantees may appeal the following adverse decisions by the responsible HEW official in accordance with Part 16, Department Grants Appeals Process, of this title:

(1) A determination that an expenditure not allowable under the grant has been charged to the grant, or that the grantee has otherwise failed to discharge its obligation for grant funds;

(2) A disapproval of a grantee's written request for permission to incur an expenditure during the term of the grant; and

(3) A determination that a grant is void.

§ 1336.59 Grant closeout, suspension, and termination.

Appeals, notice and hearing. Grantees that have been suspended or terminated, or whose applications for refunding have been denied, may appeal such decisions in accordance with the provisions of Part 1303, Subparts A, C, and D, of this title except that for purposes of this part:

(a) The authority "88 Stat. 2304, (42 U.S.C. 2928h)" is eliminated and "88 Stat. 2324, (45 U.S.C. 2991h)" is substituted therefor;

(b) The citation "Section 519 of the Headstart-Follow Through Act" is eliminated and "Section 809 of the Native American Programs Act" is substituted therefor;

(c) The reference to ". . . appeals by current and prospective delegate agencies from specified adverse action by grantees . . ." in § 1303.1-1 is inapplicable;

(d) The term "OCD" is eliminated and the term "ONAP" is substituted therefor;

(e) The term "Director" means the Director of the Office of Native American Programs;

(f) The term "Headstart Program" is eliminated and the term "Native American Program" is substituted therefor;

(g) The terms "current delegate agency", "prospective delegate agency", "program account", and "substantial rejection" are eliminated;

(h) The term "Headstart-Follow Through Act" is eliminated and the term "Native American Programs Act" shall be substituted therefor;

(i) The phrase "in accordance with Part 1302 of this Chapter" in § 1303.3-1 and § 1303.4-1 is eliminated; and

(j) The term "grantee" means the recipient of financial assistance from ONAP under the Act and this part.

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federal register

TUESDAY, JANUARY 13, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

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EVALUATION, REVIEW AND COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-95 Revised]

EVALUATION, REVIEW, AND COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

JANUARY 2, 1976.

1. *Purpose.* This Circular furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects. The Circular promulgates regulations (Attachment A) which provide, in part, for:

a. Encouraging the establishment of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968 (Attachment B).

b. Coordination of direct Federal development programs and projects with State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

c. Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Attachment (C)) and regulations of the Council on Environmental Quality.

d. Furthering the objectives of Title VI of the Civil Rights Act of 1964.

This Circular supersedes Circular No. A-95 (Revised), dated November 13, 1973 (Part II, FEDERAL REGISTER, Vol. 38, No. 228, pp. 32874-32881, November 28, 1973). It will become effective February 27, 1976.

2. *Basis.* This Circular has been prepared pursuant to:

a. Section 401(a) of the Intergovernmental Cooperation Act of 1968 which provides, in part, that;

"The President shall * * * establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development * * *"

and the President's Memorandum of November 8, 1968, to the Director of the Bureau of the Budget ("FEDERAL REGISTER, Vol. 33, No. 221, November 13, 1968) which provides:

"By virtue of the authority vested in me by section 301 of title 3 of the United States Code and section 401(a) of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), I hereby delegate to you the authority vested in the President to establish the rules and regulations provided for in that section governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives.

"In addition, I expect the Bureau of the Budget to generally coordinate the actions of the departments and agencies in exercising the new authorizations provided by the Intergovernmental Cooperation Act, with the objective of consistent and uniform action by the Federal Government."

b. Title IV, section 403, of the Intergovernmental Cooperation Act of 1968 which provides that:

"The Bureau of the Budget or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this Title."

c. Section 204(c) of the Demonstration Cities and Metropolitan Development Act of 1966 which provides that:

"The Bureau of the Budget, or such other agency as may be designated by the President, shall prescribe such rules and regulations as are deemed appropriate for the effective administration of this section," and

d. Reorganization Plan No. 2 of 1970 and Executive Order No. 11541 of July 1, 1970, which vest all functions of the Bureau of the Budget or the Director of the Bureau of the Budget in the Director of the Office of Management and Budget.

3. *Coverage.* The regulations promulgated by this Circular (Attachment A) will have applicability:

a. Under Part I, to all projects and activities (or significant substantive changes thereto) for which Federal assistance is being sought under the programs listed in Attachment D or Appendix I of the *Catalog of Federal Domestic Assistance* whichever bears the later date. Limitations and provisions for exceptions are noted therein or under paragraph 8 of Part I.

b. Under Part II, to all direct Federal development activities, including the acquisition, use, and disposal of Federal real property; in addition, agencies responsible for granting licenses and permits for developments or activities significantly affecting area and community development or the physical environment are strongly urged to consult with clearinghouses on applications for such licenses or permits.

c. Under Part III, to all Federal programs as listed in Appendix II of the *Catalog of Federal Domestic Assistance*, requiring, by statute or administrative regulation, a State plan as a condition of assistance.

d. Under Part IV, to all Federal programs providing assistance to State, areawide, or local agencies or organizations for multijurisdictional or areawide planning.

4. *"A-95: What It Is—How It Works."* A fuller discussion of the background, purposes, and objectives of the Circular and of the requirements promulgated thereunder may be found in the brochure, "A-95: What It Is—How It Works," obtainable from the Office of Management and Budget or from Federal Regional Councils.

5. *"A-95 Administrative Notes."* From time to time OMB will issue "A-95 Administrative Notes" providing interim determinations or interpretations on matters of national scope relating to administration of the Circular.

6. *Federal Regional Councils.* Federal Regional Councils are responsible for coordinating the implementation of the requirements of this Circular at the Federal regional level. The Office of Management and Budget is responsible for policy oversight of the Circular and liaison with departmental and agency liaison officers on matters of national scale related to the requirements of the Circular.

7. *Federal agency implementing procedures and regulations.* Agencies will develop interim procedures and regulations implementing the requirements of this Circular revision which will become effective on February 27, 1976. The interim procedures and regulations will be published in the FEDERAL REGISTER no later than February 27, 1976. Agencies will promulgate final implementing procedures and regulations no later than April 29, 1976. OMB will assist and cooperate with agencies in developing such procedures and regulations.

8. *Inquiries.* Inquiries concerning this Circular may be addressed to the Regional A-95 Coordinator for the appropriate Federal Regional Council or to the Office of Management and Budget, Washington, D.C. 20503, telephone (202)-395-3031.

JAMES T. LYNN,
Director.

ATTACHMENT A—CIRCULAR NO. A-95 REVISED

Regulations Under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Section 102(2)(C) of the National Environmental Policy Act of 1969

PART I: PROJECT NOTIFICATION AND REVIEW SYSTEM

1. *Purpose.* The purpose of this Part is to:

a. Further the policies and directives of Title IV of the Intergovernmental Cooperation Act of 1968 by encouraging the establishment of a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

b. Implement the requirements or section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

c. Implement, in part, requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, which

require that State, areawide, and local agencies which are authorized to develop and enforce environmental standards be given an opportunity to comment on the environmental impact of Federal or federally assisted projects.

d. Provide public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to participate in the review process established under this Part.

e. Encourage, by means of early contact between applicants for Federal assistance and State and local governments and agencies, an expeditious process of intergovernmental coordination and review of proposed projects.

2. *Notification of intent.*

a. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantive modification thereto under a Federal program covered by this Part will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction of which the project is to be located of its intent to apply for assistance at such time as it determines it will develop an application.

In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended) a copy of the notification will be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse and the appropriate State clearinghouse. NCPC is the official planning agency for the Federal Government in the National Capital Region.

In the case of an application in any State for an activity that is Statewide or broader in nature (such as for various types of research) and does not affect nor have specific applicability to areawide or local planning and programs, the notification need be sent only to the State clearinghouse. Involvement of areawide clearinghouses in the review in such cases will be at the initiative of the State clearinghouse.

Notifications will include a summary description of the project for which assistance will be sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency, organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project to be assisted. A map should be scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project.

(4) A statement as to whether or not the applicant has been advised by the funding agency from which assistance is being sought that he will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D or the latest *Catalog of Federal Domestic Assistance*. (The *Catalog* is issued annually in the spring and is updated during the year.) In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation.

(6) The estimated date the applicant expects to formally file an application.

Many clearinghouses have developed notification forms and instructions. Applicants are urged to contact their clearinghouses for such information in order to expedite clearinghouse review.

b. In order to assure maximum time for effective coordination and so as not to delay the timely submission of the completed application to the funding agency, notifications containing the preliminary information indicated above should be sent at the earliest feasible time.

c. Applications from federally recognized Indian tribes are not subject to the requirements of this Part. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. Federal agencies will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of Tribal departments, divisions, enterprises, and entities, Federal agencies will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this Part from such Tribal departments, divisions, enterprises, and entities be subject to review by such Tribal coordinating mechanism as though it were a State or areawide clearinghouse.

3. *Clearinghouse functions.* Clearinghouse functions include:

a. Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs.

b. Receiving and disseminating project noifications to appropriate State and multistate agencies in the case of the State clearinghouse and to appropriate local governments and agencies and regional organizations in the case of areawide clearinghouses; and providing liaison, as may be necessary, between such agencies or bodies and the applicant. In the case of units of general local government, notifications of all projects affecting his jurisdiction will, if requested, be sent to the chief executive of such unit by the areawide clearinghouse or to such central agency as he may designate for review and reference to appropriate agencies of such unit.

c. In he case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, assuring that the State agency, if other than the State clearinghouse, responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to such program and its consistency therewith.

d. Assuring, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, that appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards are informed of and are given opportunity to review and comment on the environmental significance of proposed projects for which Federal assistance is sought.

e. Provdiing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

f. Providing, pursuant to Part II of these regulations, liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

g. In the case of a project for which Federal assistance is sought by a special purpose unit of local government, clearinghouses will assure that any unit of general local government having jurisdiction over the area in which the project is to be located has opportunity to confer, consult, and comment upon the project and the application.

h. Where areawide clearinghouse jurisdictions are contiguous, coordinative arrangements should be established between the clearinghouses in such areas to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse in one area on a project in a contiguous area will accompany the application for assistance to that project.

4. *Consultation and review.* a. State and areawide clearinghouses may have a period of 30 days after receipt of a project notification in which to inform State and multistate agencies and local or regional governments or agencies (including agencies referred to in subparagraphs c, d, and e, above) that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

b. If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

c. In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed

application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 day notification period to complete its review. In all other cases, the clearinghouse may have 30 days to review a completed application. Where clearinghouses have not completed their reviews during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency.

d. Written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance wtih the clearinghouse comments; and others from whom comments were solicited and received should be listed.

e. Under some programs, applicants—primarily nongovernmental — are required to submit confidential information to the funding agency. Such information may relate to the applicant's financial status or structure (e.g., overall investment program or holdings); to personnel (e.g., personal histories of project officers) or may involve proprietary information (e.g., industrial processes, research ideas). Such confidential information need not be included with applications submitted to clearinghouses for review.

f. Applicants will include with the completed application as submitted to the Federal agency (or to the State agency in the case of projects for which the State, under certain programs, has final project approval):

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

g. Applications for renewal or continuation grants or applications not submitted to or acted on by the funding agency within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

5. *Subject matter of comments and recommendations.* Comments and recommendations made by or through clearinghouses with respect to any project are for the purpose of assuring maximum consistency of such project with State, areawide, and local comprehensive plans. They are also intended to assist the Federal agency (or State agency, in the case of projects for which the State under certain Federal grants has final project approval) administering such a program in determining whether the project is in accord with applicable Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about:

a. The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, area, or locality.

b. The extent to which the proposed project:

(1) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(2) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

c. The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in section 401 of the Intergovernmental Cooperation Act of 1968, including:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, mineral, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

d. As provided under section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:

(1) The environmental impact of the proposed project;

(2) Any adverse environmental effects which cannot be avoided should the proposed project be implemented;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

e. Effects on energy resource supply and demand.

f. The extent to which people or businesses will be displaced and the availability of relocation resources.

g. As provided under section 307(d) of the Coastal Zone Management Act of 1972, in the case of a project located in the coastal zone, the relationship of the project to the approved State program for the management of the coastal zone and its consistency therewith.

h. The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

i. In the case of a project for which assistance is being sought by a special purpose unit of local government, whether the unit of general local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply, for assistance for the same or a similar type project. This information is necessary to enable the Federal (or State) agency to make the judgments required under section 402 of the Intergovernmental Cooperation Act of 1968.

6. *Federal agency procedures.* Federal agencies having programs covered under this Part will develop appropriate procedures for:

a. Informing potential applicants for assistance under such programs of the requirements of this Part (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in pre-application conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouses.

b. Assuring that all applications for assistance under programs covered by this part have been submitted to appropriate clearinghouses for review prior to their submission to the funding agency. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of this Part. Agencies will insure that all applications contain a State Application Identifier (SAI) number. (This is mandatory for use in notifying clearinghouses of action taken on the application.)

c. Notifying such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74-7, will be used for this purpose unless a waiver has been granted by OMB. (See Attachment E.)

d. Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and the funding agency approves the application substantially as submitted, the funding agency will provide the clearinghouse, along with the action notice, an explanation therefor.

e. Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult

with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

f. Assuring, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference canot be so accorded, the agency shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

7. *Housing programs.* For housing programs of the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration of the Department of Agriculture the following procedures will be followed, except as provided in subparagraph d below:

a. The appropriate HUD, VA, or USDA/FHA office will transmit to the appropriate State and areawide clearinghouses a copy of the initial application for project approval.

b. Clearinghouses will have 30 days from receipt to review the applications and to forward to the HUD, VA, or USDA/FHA office any comments which they may have, including observations concerning the consistency of the proposed project with State and areawide development plans, the extent to which the proposed project will provide housing opportunities for all segments of the community, and identification of major environmental concerns including impact on energy resource supply and demand. Processing of applications in the HUD, VA, or USDA/FHA office will proceed concurrently with the clearinghouse review.

c. This procedure will include only applications involving new construction or substantial rehabilitation and will apply to applications for loans, loan guarantees, mortgage insurance, or other housing assistance:

(1) In Urbanized Areas, as defined by the U.S. Bureau of the Census (see Appendix A, 1970 Census of Population, Characteristics of the Population or Characteristics of Housing), to:

(a) Subdivisions having 25 or more lots.

(b) Multifamily projects having 50 or more dwelling units.

(c) Mobile home courts with 50 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 200 or more students.

(2) In all other areas, to:

(a) Subdivisions having 10 or more lots.

(b) Multifamily projects having 25 or more dwelling units.

(c) Mobile home courts with 25 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 100 or more students.

d. As an alternative to the above procedure, the developer may submit his application directly to the appropriate clearinghouses prior to submitting it to the Federal agency. In such cases, the application, when submitted to the Federal agency, will be accompanied by the comments of the clearinghouses.

e. Exemption: Applications for additional units in a subdivision substantially completed (i.e., with streets, water and sewer facilities, culverts, etc.) are exempted from this requirement when:

(1) The subdivision was approved and/or recorded by the appropriate unit of local government within three years of the application submittal; and

(2) In cases of subdivisions approved more than three years prior, the clearinghouses waive the requirement.

This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

8. *Coverage, exceptions, and variations.*

a. Generally, this Part of this Circular and the laws on which it is based are concerned with programs providing financial assistance to projects and activities which have an impact on State, areawide, and local development, including development of natural, economic, and human resources. This Part is concerned with achieving the most effective and efficient utilization of Federal assistance programs through coordination among and between Federal, multistate, State, areawide, and local plans and programs and the elimination of conflict, overlap, and duplication of projects and activities under such programs. Coverage under this Part includes, or will be extended from time to time as deemed necessary and practicable to include programs bearing upon these concerns and objectives.

b. Programs not considered appropriate to this Part are programs of the following types:

(1) Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.

(2) Incentive payments or insurance for private sector activities not involving real property development or land use and development.

(3) Agricultural crop supports or payments.

(4) Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual States or localities.

(5) Research, not involving capital construction, which is national in scope or is not resigned to meet the needs or to address problems of a particular State, area, or locality (except in the case of demonstration or pilot research programs where projects may have an impact on the community or area in which they are being conducted).

(6) Assistance to educational, medical, or similar service institutions or agencies for internal staff development or management improvement purposes.

(7) Assistance to educational, institutions for activities that are part of a school's regular academic program and are not related to local programs of health, welfare, employment, or other social services.

(8) Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of the structure or facility.

c. OMB will consider Federal agency requests for exemption of certain classes of projects or activities under programs otherwise covered which:

(1) Meet any of the above characteristics of programs inappropriate for coverage under this Part;

(2) Are of small scale or size or are highly localized as to impact; or

(3) Display other characteristics which might make review impractical.

d. OMB will consider Federal agency requests for procedural variations from normal review processes:

(1) On a temporary basis for programs with time constraints brought about because of start up requirements or other unusual circumstances beyond the control of the funding agency. (Note: Delay in fund availability is not normally an acceptable reason for a variation. When a delay is anticipated, applicants should be instructed to have their applications reviewed by clearinghouses in readiness for submission when funds become available.)

(2) For programs where statutory or related procedural limitations make the normal review processes impracticable.

e. All requests from Federal agencies for exemptions or procedural variations should be addressed to the Associate Director for Management and Operations, Office of Management and Budget.

f. Individual clearinghouses may exempt certain types of projects from review for reasons indicated above or for other reasons appropriate to the State or area.

g. Applicants should be made aware that, in various States, State law requires review of applications for Federal assistance under various programs not covered by this Part. Implementation of such laws is enforced through State rules and regulations, and applicants are urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures.

9. *Joint Funding.* Applications for assistance to activities under the Joint Funding Simplification Act (P.L. 93-510) or any other joint funding authority, which involve activities funded under one or more of the programs covered under this Part, will be subject to the requirements of this Part.

10. *Agency procedures and regulations.* a. Proposed agency procedures and regulations for implementing the requirements of this Part will be published in the FEDERAL REGISTER as specified ir paragraph 7 of this Circular. Programs to which the procedures and regulations will apply will be cited by their numbers in the *Catalog of Federal Domestic Assistance.* Where such numbers have not yet been assigned, programs will be referenced by Public Law and section or by U.S. Code citation. Subsequent amendments to such procedures and regulations will also be published pursuant to paragraph 7 of the Circular.

b. As a part of such proposed procdures and regulations published in the FEDERAL REGISTER, agencies may identify specific types of projects which they believe should be exempt from coverage under programs for which proposed procedures and regulations are being published. Such publication will constitute a formal request for exemption to the Office of Management and Budget, to which it will respond in its review of the proposed procedures and regulations.

c. OMB will assist and cooperate with agencies in developing such procedures and regulations.

d. A copy of agency internal procedures for implementation of this Part, if not contained in the above procedures and regulations, will be sent to the Associate Director of the Office of Management and Budget for Management and Operations.

11. *Reports and directories.* a. The Director of the Office of Management and Budget may require reports, from time to time, on the implementation of this Part.

b. The Office of Management and Budget will maintain and distribute to appropriate Federal agencies a directory of State and areawide clearinghouses.

c. The Office of Management and Budget will notify Federal Regional Councils, clearinghouses, and Federal agencies of any excepted categories of projects under covered programs.

PART II: DIRECT FEDERAL DEVELOPMENT

1. *Purpose.* The purpose of this Part is to:

a. Provide State and local government with information on projected Federal development so as to facilitate coordination with State, areawide, and local plans and programs.

b. Provide Federal agencies with information on the relationship of proposed direct Federal development projects and activities to State, areawide, and local plans and programs; and to assure maximum feasible consistency of Federal developments with State, areawide, and local plans and programs.

c. Provide Federal agencies with information on the possible impact on the environment of proposed Federal development.

2. *Coordination of direct Federal development projects with State, areawide, and local development.* a. Federal agencies having responsibility for the planning and construction of Federal buildings and installations or other Federal public works or development or for the acquisition, use, and disposal of Federal land and real property will establish procedures for:

(1) Consulting with Governors, State and areawide clearinghouses, and local elected officials at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the State, area, or locality in which the project is to be located. In the case of projects in the National Capital Region, such consultation should be undertaken in cooperation with the the National Capital Planning Commission.

(2) Assuring that any such Federal plan or project is consistent or compatible with State, areawide, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification. Explanation of any necessary inconsistency or incompatibility will be provided, in writing, to the appropriate clearinghouses.

(3) Providing State, areawide, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such Federal plans and projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the Federal agency.

(4) Providing, in the case of projects located in the coastal zone, the State agency responsible for administration of the approved program for the management of the coastal zone with opportunity to review the relationship of the proposed project to such program and its consistency therewith.

(5) Providing, through the appropriate clearinghouses, Health Systems Agencies and State Health Planning and Development Agencies designated pursuant to the National Health Planning and Resources Development Act of 1974 with adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding $200,000 for modernization, conversion, and expansion of Federal inpatient care facilities, which alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical care services. (Excluded are projects to renovate or install mechanical systems, air conditioning systems, or other similar internal system modifications.) The agencies are expected to evaluate proposed Federal projects for consistency with areawide and local health delivery plans and health supply-demand situations, as well as considering clearinghouse comments on such specific points as those listed in paragraph 5 of Part I. The comments of such agencies and any clearinghouse comments will accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget or a certification that the agencies and clearinghouses had been provided a reasonable time to comment and had failed to do so.

3. *Use of clearinghouses.* The State and areawide planning and development clearinghouses established pursuant to Part I will be utilized to the greatest extent practicable to effectuate the requirements of this Part. Agencies are urged to establish early contact with clearinghouses to work out arrangements for carrying out the consultation and review required under this Part, including identification of types of projects considered appropriate for consultation and review. Clearinghouses may utilize criteria set forth in paragraph 5 of Part I in evaluating direct Federal development projects.

4. *Federal licenses and permits.* Agencies responsible for granting Federal licenses and permits for development projects and activities which would have a significant impact on State, interstate, areawide, or local development plans or programs or on the environment are strongly urged to consult with State and areawide clearinghouses and to seek their evaluations of such impacts prior to granting such licenses or permits.

5. *Agency procedures and regulations.* a. To the greatest extent possible, agencies engaged in direct Federal development activities will follow the general procedures outlined under Part I of Attachment A in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. Where legislative or executive constraints or related circumstances do not permit following such procedures, agency procedures and regulations will set forth for each program, at a minimum:

(1) The point in project planning at which clearinghouses will be contacted;

(2) The minimum time clearinghouses will be afforded to review the proposed project;

(3) The minimum information to be provided to the clearinghouses; and

(4) Procedures for notifying clearinghouses on actions taken on such project (implementation, timing, postponement, abandonment) and explaining actions taken contrary to clearinghouse recommendations.

c. The Office of Management and Budget will consider other procedures such as memoranda of agreement between Federal installations and clearinghouses for coordinating Federal and civilian planning, that are designed to achieve the objectives of this Part.

d. All proposed agency procedures and regulations to implement this Part will be published in the Federal Register pursuant to paragraph 7 of the Circular. OMB will assist and cooperate with agencies in developing such procedures and regulations.

PART III: STATE PLANS

1. *Purpose.* The purpose of this Part is to provide Federal agencies with information about the relationship to State or areawide comprehensive planning of State plans which are required or form

the basis for funding under various Federal programs.

2. *State plans.* To the extent not presently required by statute or administrative regulation, Federal agencies administering programs requiring by statute or regulation a State plan as a condition of assistance under such programs will require that the Governor, or his delegated agency, be given the opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. The Governor is urged to involve areawide clearinghouses in the review of State plans, particularly where such plans have specific applicability to or affect areawide or local plans and programs.

a. The Governor will be afforded a period of 45 days in which to make such comments, and any such comments will be transmitted with the plan.

b. A "State plan" under this Part is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized. Such reports or documentation will also be submitted for review at the request of the Governor or the agency he has designated to perform review under this Part.

c. Programs requiring State plans are listed in Appendix II of the *Catalog of Federal Domestic Assistance.*

PART IV: COORDINATION OF PLANNING IN MULTIJURISDICTIONAL AREAS

1. *Policies and objectives.* The purposes of this Part are:

a. To encourage and facilitate State and local initiative and responsibility in developing organizational and procedural arrangements for coordinating comprehensive and functional planning activities.

b. To eliminate overlap, duplication, and competition in areawide planning activities assisted or required under Federal programs and to encourage the most effective use of State and local resources available for planning.

c. To minimize inconsistency among Federal administrative and approval requirements placed on areawide planning activities.

d. To encourage the States to exercise leadership in delineating and establishing a system of planning and development districts or regions in each State, which can provide a consistent geographic base for the planning and coordination of Federal, State, and local development programs.

e. To encourage Federal agencies administering programs assisting or requiring areawide planning to utilize agencies that have been designated to perform areawide comprehensive planning in planning and development districts or regions established pursuant to subparagraph d above (generally, areawide clearinghouses designated pursuant to Part I of Attachment A of this Circular) to carry out or coordinate planning under such programs. In the case of interstate metropolitan areas, agencies designated as metropolitan areawide clearinghouses should be utilized to the extent possible to carry out or coordinate Federally assisted or required areawide planning.

2. *Common or consistent planning and development districts or regions.* a. Prior to the designation or redesignation (or approval thereof) of any planning and development district or region under any Federal program, Federal agency procedures will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State. Where the State has established such planning and development districts, the boundaries of areas designated under Federal programs will conform to them unless there is clear justification for not doing so.

b. Where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation, major units of general local government and the appropriate Federal Regional Council in such areas will also be consulted prior to designation of the area to assure consistency with districts established under inter-local agreement and under related Federal programs.

c. The Office of Management and Budget will be notified through the appropriate Federal Regional Council by Federal agencies of any proposed designation and will be informed of such designation when it is made, including such justifications as may be required under subparagraph a above.

3. *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* Each agency will develop procedures and requirements for applications for multijurisdictional planning and development assistance under appropriate programs to assure the fullest consistency and coordination with related planning and development being carried on by the areawide comprehensive planning agency or clearinghouse designated under Part I of this Circular in the multijurisdictional area.

Such procedures shall include provision for submission to the funding agency by any applicant for multijurisdictional planning assistance, if the applicant is other than an areawide comprehensive planning agency referred to in paragraph 1e of this Part, of a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

a. Identification of relationships between the planning proposed by the applicant and that of the areawide agency and of similar or related activities that will require coordination;

b. The organizational and procedural arrangements for coordinating such activities, such as: Overlapping board membership, procedures for joint reviews of projected activities and policies, information exchange, etc.;

c. Cooperative arrangements for sharing planning resources (funds, personnel, facilities, and services);

d. Agreed upon base data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed.

Where an applicant has been unable to effectuate such an agreement, he will submit a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the funding agency, in consultation with the Federal Regional Council and the State clearinghouse designated under Part I, will undertake, within a 30 days period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

4. *Joint funding.* Where it will enhance the quality, comprehensive scope, and coordination of planning in multijurisdictional areas, Federal agencies will, to the extent practicable, provide for joint funding of planning activities being carried on therein.

5. *Coordination of agency procedures* and regulations. With respect to the steps called for in paragraphs 2 and 3 of this Part, departments and agencies will develop for relevant programs appropriate draft procedures and regulations which will be published in the FEDERAL REGISTER pursuant to paragraph 7 of this Circular. Copies of such drafts will be furnished to the Director of the Office of Management and Budget and to the heads of departments and agencies administering related programs. The Office, in consultation with the agencies, will review the draft procedures and regulations to assure the maximum obtainable consistency among them.

PART V: DEFINITIONS

Term used in this Circular will have following meanings:

1. *Federal agency*—any department, agency, or instrumentality in the executivt branch of the Government and any wholly owned Government corporation.

2. *State*—any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

3. *Unit of general local government*—any city, county, town, parish, village, or other general purpose political subdivision of a State.

4. *Special purpose unit of local government*—any special district, public purpose corporation, or other strictly limited purpose political subdivision of a

State, but shall not include a school district.

5. *Federal assistance, Federal financial assistance, Federal assistance program, or federally assisted programs*—programs that provide assistance through grant or contractual arrangements. They include technical assistance programs, or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47–2501a and 47–2501b).

6. *Funding agency.* The Federal agency or, in the case of certain formula grant programs, the State agency which is responsible for final approval of applications for assistanct.

7. *Comprehensive planning,* to the extent directly related to area needs or needs of a unit of general local government, including the following:

a. Preparation, as a guide for governmental policies and action, of general plans with respect to:

(1) Pattern and intensity of land use,

(2) Provision of public facilities (including transportation facilities) and other government services.

(3) Effective development and utilization of human and natural resources.

b. Preparation of long range physical and fiscal plans for such action.

c. Programming of capital improvements and other major expenditures, based on a determination of related urgency, together with definitive financing plans for such expenditures in the earlier years of the program.

d. Coordination of all related plans and activities of the State and local governments and agencies concerned.

e. Preparation of regulatory and administrative measures in support of the foregoing.

8. *Metropolitan area*—a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Office of Management and Budget may determine to be appropriate for the purposes of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and these Regulations.

9. *Areawide*—Comprising, in metropolitan areas, the whole of contiguous urban and urbanizing areas; and in nonmetropolitan areas, contiguous counties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests; or, in either, the area included in a substate district designated pursuant to paragraph 1d, Part IV, Attachment A of this Circular.

10. *Planning and development clearinghouse or clearinghouse* includes:

a. *"State clearinghouse"*—an agency of the State Government designated by the Governor or by State law to carry out the requirements of Part I of Attachment A of this Circular.

b. *"Areawide clearinghouse"*—(1) In nonmetropolitan areas a comprehensive planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out requirements of this Circular; or

(2) In metropolitan areas an areawide agency that has been recognized by the Office of Management and Budget as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and this Circular.

11. *Multijurisdictional area*—any geographical area comprising, encompassing, or extending into more than one unit of general local government.

12. *Planning and development district or region*—a multijurisdictional area that has been formally designated or recognized as an appropriate area for planning under State law or Federal program requirements.

13. *Direct Federal development*—planning and construction of public works, physical facilities, and installations or land and real property development (including the acquisition, use, and disposal of real property) undertaken by or for the use of the Federal Government or any of its agencies; or the leasing of real property for Federal use where the use or intensity of use of such property will be substantially altered.

ATTACHMENT B—CIRCULAR NO. A–95 REVISED

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 as amended (80 Stat. 1263, 82 Stat. 208)

"Sec. 204. (a) All applications made after June 30, 1967, for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste treatment works, highways, transportation facilities, low enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review—

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b)(1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph b(1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 (82 STAT. 1103)

"Title IV—Coordinated Intergovernmental Policy and Administration of Development Assistance Programs"

"Declaration of development assistance policy"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of small communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and

community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others:

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints—national, regional, State and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

"Favoring units of general local government"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"Rules and regulations"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

ATTACHMENT C—CIRCULAR NO. A–95 REVISED

SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (83 STAT. 853)

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall— * * *

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes; * * *."

ATTACHMENT D—CIRCULAR NO. A—95 REVISED

Coverage of Programs Under Attachment A, Part I

1. Programs listed below are referenced several ways, due to transitional phases in program development, funding status, etc. Generally, citations are to programs as they are listed in the June, 1975 *Catalog of Federal Domestic Assistance*. For certain new legislation, *Catalog* citations have not yet been developed. In such cases, references are to Public Law number and section. When no funding is available for a program, it is not generally listed in the *Catalog* or this Attachment; but if funding becomes available for a program previously covered, it continues to be covered unless specifically exempted by OMB. The *Catalog* is issued annually and revised periodically during the year. Every effort will be made to keep Appendix I and Attachment D current. Reference should always be made to the one bearing the latest issue date. (However, the update to the 1975 *Catalog* will not reflect all the changes herein. Therefore, this list should be referenced until issuance of the 1976 *Catalog*.)

Asterisks indicate certain State formula grant programs requiring State plans which are also covered under Part III. When listed under Part I, reference is to applications for subgrants under the State allocation, not to the State's application for its allocation under the formula grant which is reviewable under Part III.

2. Heads of Federal departments and agencies may, with the concurrence of the Office of Management and Budget, exclude certain categories of projects or activities under listed programs from the requirements of Attachment A, Part I. (Also see Part I, paragraph 8.)

3. *Covered programs:*

Department of Agriculture

10.405	Farm Labor Housing Loans and Grants.
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans. (Exception: Loans to grazing associations to develop additional pasturage and loans for purchase of equipment.)
10.410	Low to Moderate Income Housing Loans.
10.411	Rural Housing Site Loans.
10.414	Resource Conservation and Development Loans.
10.415	Rural Rental Housing Loans.
10.418	Water and Waste Disposal Systems for Rural Communities.
10.419	Watershed Protection and Flood Prevention Loans.
10.420	Rural Self-Help Housing Technical Assistance.
10.422	Business and Industrial Development Loans. (Exception: Loans to rural small businesses having no significant impact outside community in which located.)
10.423	Community Facilities Loans.
10.424	Industrial Development Grants.
10.658	Cooperative Forest Insect and Disease Control.

10.901 Resources Conservation and Development. (Exception: Small projects costing under $7500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems.)
10.904 Watershed Protection and Flood Prevention.

Department of Commerce

11.300 Economic Development — Grants and Loans for Public Works and Development Facilities.
11.302 Economic Development — Support for Planning Organizations.
11.303 Economic Development—Technical Assistance.
11.304 Economic Development—Public Works Impact Projects (Procedural variation).
11.305 Economic Development—State and Local Economic Development Planning.
11.306 Economic Development—District Operational Assistance.
11.307 Economic Development—Special Economic Development and Adjustment Assistance Program.
11.308 Grants to States for Supplemental and Basic Funding of Title I, II, and IV Activities. (Basic grants only.)
11.405 Anadromous and Great Lakes Fisheries Development.
11.407 Commercial Fisheries Research and Development.
11.418 Coastal Zone Management Program Development.
11.419 Coastal Zone Management Program Administration.
11.420 Coastal Zone Management—Estuarine Sanctuaries.

Department of Defense

12.101 Beach Erosion Control Projects.
12.106 Flood Control Projects.
12.107 Navigation Projects.
12.108 Snagging and Clearing for Flood Control.

Department of Health, Education, and Welfare

13.210* Comprehensive Public Health Services—Formula Grants.
13.211* Crippled Children's Services.
13.217* Family Planning Projects.
13.224 Health Services Development—Project Grants.
13.232* Maternal and Child Health Services.
13.235 Drug Abuse Community Service Programs.
13.237 Mental Health—Hospital Improvement Grants.
13.240 Mental Health—Community Mental Health Centers.
13.246 Migrant Health Grants.
13.251 Alcohol—Community Service Programs.
13.252 Alcohol Demonstration Programs.
13.254 Drug Abuse Demonstration Programs.
13.256 Office for Health Maintenance Organization (HMOS).
13.258* National Health Service Corps.
13.259 Mental Health—Children's Services.
13.260 Family Planning Services—Training Grants.
13.261 Family Health Centers.
13.266 Childhood Lead-Based Paint Poisoning Control.
13.267 Urban Rat Control.
13.268 Disease Control—Project Grants.
13.275 Drug Abuse Education Programs.
13.284 Emergency Medical Services.
13.286 Limitation on Federal Participation for Capital Expenditures.
13.340 Health Professions Teaching Facilities—Construction Grants.
13.369 Nursing School Construction—Loan Guarantees and Interest Subsidies.
13.378 Health Professions Teaching Facilities—Loan Guarantees and Interest Subsidies.
13.392 Cancer—Construction.
13.400* Adult Education—Grants to States.
13.401 Adult Education—Special Projects.
13.408* Construction of Public Libraries.
13.421 Educational Personnel Training Grants—Career Opportunities.
13.427 Educationally Deprived Children—Handicapped.
13.428* Educationally Deprived Children—Local Educational Agencies.
13.429* Educationally Deprived Children—Migrants.
13.433 Follow Through.
13.464* Library Services—Grants for Public Libraries.
13.477 School Assistance in Federally Affected Areas—Construction.
13.493* Vocational Education — Basic Grants to States.
13.494* Vocational Education—Consumer and Homemaking.
13.495* Vocational Education—Cooperative Education.
13.499* Vocational Education — Special Needs.
13.501* Vocational Education—Work Study.
13.502* Vocational Education—Innovation.
13.516 Supplementary Educational Centers and Services—Special Programs and Projects.
13.519* Supplementary Educational Centers and Services, Guidance, Counseling, and Testing.
13.520 Special Programs for Children with Specific Learning Disabilities.
13.522 Environmental Education.
13.543 Educational Opportunity Centers.
13.570* Libraries and Learning Resources.
13.600 Child Development—Head Start.
13.612 Native American Programs.
13.623 Runaway Youth.
13.624* Rehabilitation Services and Facilities—Basic Support.
13.626 Rehabilitation Services and Facilities—Special Projects.
13.628 Child Development—Child Abuse and Neglect Prevention and Treatment.
13.630* Developmental Disabilities—Basic Support.
13.631 Developmental Disabilities—Special Projects.
13.633* Special Programs for the Aging—State Agency Activities and Area Planning and Social Services Programs.
13.634 Aging Programs Title III, Section 308, Model Projects.
13.635* Special Programs for the Aging—Nutrition Program for the Elderly.
16.636 Programs for the Aging—Research and Demonstration.
16.637* Programs for the Aging—Training.
P.L. 93-318: (Section 161) Construction of Academic Facilities.
P.L. 93-641: (Section 1516) Planning Grants to Health Systems Agencies: (Section 1601 *et seq.*, Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities. These programs will replace *Catalog* 13.206, 13.220, 13.249, and 13.253.

Department of Housing and Urban Development

14.001 Flood Insurance (Applications for community eligibility).
14.103 Interest Reduction Payments-Rental and Cooperative Housing for Lower Income Families.
14.105 Interest Subsidy—Homes for Lower Income Families.
14.112 Mortgage Insurance—Construction or Rehabilitation of Condominium Projects.
14.115 Mortgage Insurance—Development of Sales-Type Cooperative Projects.
14.116 Mortgage Insurance—Group Practice Facilities.
14.117 Mortgage Insurance—Homes.
14.118 Mortgage Insurance—Homes for Certified Veterans.
14.119 Mortgage Insurance—Homes for Disaster Victims.
14.120 Mortgage Insurance—Homes for Low and Moderate Income Families.
14.121 Mortgage Insurance—Homes in Outlying Areas.
14.122 Mortgage Insurance—Homes in Urban Renewal Areas.
14.124 Mortgage Insurance—Investor Sponsored Cooperative Housing.
14.125 Mortgage Insurance—Land Development and New Communities.
14.126 Mortgage Insurance—Management-Type Cooperative Projects.
14.127 Mortgage Insurance—Mobile Home Parks.
14.128 Mortgage Insurance—Hospitals.
14.129 Mortgage Insurance—Nursing Homes and Related Care Facilities.
14.134 Mortgage Insurance—Rental Housing.
14.135 Mortgage Insurance—Rental Housing for Moderate Income Families.
14.137 Mortgage Insurance—Rental Housing for Low and Moderate Income Families, Market Interest Rate.
14.138 Mortgage Insurance—Rental Housing for the Elderly.
14.139 Mortgage Insurance—Rental Housing in Urban Renewal Areas.
14.141 Nonprofit Housing Sponsor Loans—Planning Projects for Low and Moderate Income Families.
14.146 Public Housing — Acquisition. (Turnkey and Conventional Production Methods.) (New construction only.)
14.149 Rent Supplements—Rental Housing for Lower Income Families.
14.154 Mortgage Insurance—Experimental Rental Housing.
14.156 Lower Income Housing Assistance Program.
14.203 Comprehensive Planning Assistance.
14.207 New Communities—Loan Guarantees.
14.218 Community Development Block Grants—Entitlement Grants.
14.219 Community Development Block Grants—Discretionary Grants.
14.702 State Disaster Preparedness Grants.

Department of the Interior

15.350 Coal Mine Health and Safety Grants.
15.400* Outdoor Recreation—Acquisition, Development and Planning.
15.501 Irrigation Distribution System Loans.
15.503 Small Reclamation Projects.
15.600 Anadromous Fish Conservation.
15.605 Fish Restoration.
15.611 Wildlife Reestoration.
15.904 Historic Preservation.

Department of Justice

16.500 Law Enforcement Assistance—Comprehensive Planning Grants.
16.501 Law Enforcement Assistance—Discretionary Grants.
16.502* Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice.
16.515 Criminal Justice Systems Development.

16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Allocation to States.
16.517 Law Enforcement Assistance Administration—JJPD Special Emphasis Prevention and Treatment.

Department of Labor

17.211 Job Corps.
17.226 Work Incentives Program (WIN).
17.230 Farm Workers. (Procedural variation.)
17.232* Comprehensive Employment and Training Programs.

Department of Transportation

20.102 Airport Development Aid Program.
20.103 Airport Planning Grant Program.
20.205 Highway Research, Planning, and Construction.
20.214 Highway Beautification—Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement.
20.500 Urban Mass Transportation Capital Improvement Grants. (Planning and construction only.)
20.501 Urban Mass Transportation Capital Improvement Loans. (Planning and construction only.)
20.505 Urban Mass Transportation Technical Studies Grants. (Planning and construction only.)
20.506 Urban Mass Transportation Demonstration Grants.
20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants.

Appalachian Regional Commission

23.003 Appalachian Development Highway System.
23.004 Appalachian Health Demonstration.
23.005 Appalachian Housing Planning Loan Fund.
23.008 Appalachian Local Access Roads.
23.010 Appalachian Mine Area Restoration.
23.011 Appalachian State Research, Technical Assistance, and Demonstration Projects.
23.012 Appalachian Vocational Education Facilities and Operations.
23.013 Appalachian Child Development.
23.014 Appalachian Housing Site Development and Office State Improvement Grants.
23.016 Appalachian Vocational Education and Technical Education Demonstration Grants.

(NOTE.—Except for 23.011, administration of these grants is not in the Commission but in the appropriate program agency—e.g., 23.003 is handled by DOT. For 23.002, Appalachian Supplements to Federal Grants-in-aid, which can provide all or any portion of the Federal contribution under certain defined grant-in-aid programs, coverage under Part I is determined by the provisions applicable to the basic grant-in-aid program. For 28.003, 38.003, 48.003, 52.003, and 63.003—Regional Commission Supplements to Federal Grants-in-aid—the same rule would apply.)

Coastal Plains Regional Commission

28.002 Coastal Plains Technical and Planning Assistance.

(See note under Appalachian Regional Commission programs.)

Four Corners Regional Commission

38.002 Four Corners Technical and Planning Assistance.

(See note under Appalachian Regional Commission programs.)

National Science Foundation

47.036 Intergovernmental Science.

New England Regional Commission

48.002 New England Technical and Planning Assistance.

(See note under Appalachian Regional Commission programs.)

Community Services Administration

49.002 Community Action.
49.010 Older Persons Opportunities and Services.
49.011 Community Economic Development.

Ozarks Regional Commission

52.002 Ozarks Technical and Planning Assistance.

(See note under Appalachian Regional Commission programs.)

Upper Great Lakes Regional Commission

63.002 Upper Great Lakes Technical and Planning Assistance.

(See note under Appalachian Regional Commission programs.)

Veterans Administration

64.005 Grants to States for Construction of State Nursing Home Care Facilities.
64.017 Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools—Assistance to Health Manpower Training Institutes.
64.114 Veterans Housing—Guaranteed and Insured Loans (GI Home Loans).

Water Resources Council

65.001 Water Resources Planning.

Environmental Protection Agency

66.001 Air Pollution Control Program Grants.
66.005 Air Pollution Survey and Demonstration Grants.
66.027 Solid Waste Planning Grants.
66.028 Solid Waste Demonstration Grants.
66.418 Construction Grants for Wastewater Treatment Works.
66.419 Water Pollution Control-State and Interstate Program Grants.
66.426 Water Pollution Control—Areawide Waste Treatment Management Planning Grants.
66.432 Grants for State Public Water System Subdivision Programs.
66.433 Grants for Underground Injection Control Programs.
66.505 Water Pollution Control Demonstration Grants.
66.506 Safe Drinking Water Research and Demonstration Grants. (Demonstration only).
66.600 Environmental Protection—Consolidated Program Grants.
66.602 Environmental Protection—Consolidated Special Purpose Grants.

Action

72.001 Foster Grandparents.
72.002 Retired Senior Volunteer Program.
72.008 The Senior Companion Program.

Old Western Regional Commission

75.002 Old West Technical and Planning Assistance.

Pacific Northwest Regional Commission

76.002 Pacific Northwest Technical and Planning Assistance Regulations.

Attachment E

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
	b. DATE Year month day 19		b. DATE ASSIGNED Year month day 19

1. TYPE OF ACTION (Mark appropriate box)
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (OpL)
- ☐ REPORT OF FEDERAL ACTION

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City : e. County :
- f. State : g. ZIP Code:
- h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
- a. NUMBER
- b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A–State; B–Interstate; C–Substate District; D–County; E–City; F–School District; G–Special Purpose District; H–Community Action Agency; I–Higher Educational Institution; J–Indian Tribe; K–Other (Specify):
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A–Basic Grant; B–Supplemental Grant; C–Loan; D–Insurance; E–Other
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A–New; B–Renewal; C–Revision; D–Continuation; E–Augmentation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
A–Increase Dollars; B–Decrease Dollars; C–Increase Duration; D–Decrease Duration; E–Cancellation; F–Other (Specify):
Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE Year month day 19

17. PROJECT DURATION Months

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ Year month day 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A–95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE
- c. DATE SIGNED Year month day 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED Year month day 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ Year month day 19

34. STARTING DATE Year month day 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE Year month day 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A–95 ACTION

a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A–95, it has been or is being made.

b. FEDERAL AGENCY A–95 OFFICIAL (Name and telephone no.)

STANDARD FORM 424 PAGE 1 (10–75)
Prescribed by GSA, Federal Management Circular 74–7

SECTION IV–REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

STANDARD FORM 424 PAGE 2 (10–75)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74–7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box. Pre-application and application guidance is in FMC 74–7 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies *must* contain this identifier if the program is covered by Circular A–95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks; If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

C. Loan. Self explanatory.

Item

D. Insurance. Self explanatory.

E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

A. New. A submittal for the first time for a new project.

B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

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Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A–95 action notices only. Name and telephone of person who can assure that appropriate A–95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A–95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A–95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A–95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A–95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A–95 *award* notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

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[FR Doc.76–926 Filed 1–12–76;8:45 am]

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