AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

40 2/6 21-972 GSA

Vol.41–No.19
1–28–76
PAGES
4011–4250

federal register

WEDNESDAY, JANUARY 28, 1976

highlights

SCHOOL BUS
DOT/NHTSA issues safety standard for seating and crash protection; effective 10–26–76 4016

BICYCLE SAFETY
CPSC republishes standards 4143

COMMUNITY DEVELOPMENT BLOCK GRANTS
HUD regulations on applications for entitlement grants; effective 1–28–76 4131

PEYOTE
Justice/DEA adds definition to schedules of controlled substances 4015

RICE
USDA/ASCS announces State reserve acreages, county acreage allotments and reserves acreages for 1976 crop; effective 1–22–76 4011

FLUID MILK
SBA amends definition of small business for the purpose of bidding on Government procurements; effective 3–29–76 4013

PRIVACY ACT OF 1974
USDA publishes addition to systems of records 4051

DISABILITIES
VA proposal on schedule for rating; comments by 2–27–76 4023

MUNICIPAL SECURITIES
SEC extends comment period to 2–9–76 on regulation of professionals and transactions 4022

CONTINUED INSIDE

MEETINGS—
FTC: Commission and National Selected Morticians and National Funeral Directors Association; 3–12–76 4076
HEW/OE: Advisory Council on Developing Institutions; 3–2–76 4058
NIH: Various meetings from 2–11 through 4–1–76 (15 documents) 4054–4058
PHS: Bacterial Vaccine Symposium, 3–29 through 4–1–76 4059
HRA: National Advisory Council on Nurse Training (3–8 through 3–10–76) and National Advisory Council on Health Professions' Education (3–9 through 3–11–76) 4054
DOD: Defense Intelligence Agency Scientific Advisory Committee; 2–18–76; and 2–24 through 2–25–76 (2 documents) 4038
Defense Scientific Board Task Force on Theater Nuclear Forces R and D Requirements; 2–23 and 2–24–76 4038
USDA: Citizens Advisory Committee on Civil Rights; 2–18–76 4050
AMS: Raisin Advisory Board; 2–12–76 4050
APHIS: Salmonella Advisory Committee; 2–25–76 4050
FS: Malheur National Forest Grazing Advisory Board; 2–18–76 4050
SBA: San Diego District Advisory Board; 2–18–76 4080
Interior/BLM: Vale District Advisory Board; 2–25–76 4039
Commerce: Commerce Technical Advisory Board; 2–25 and 2–26–76 4053
Justice: Federal Advisory Committee on False Identifications; 2–12–76 4039
NRC: Advisory Committee on Reactor Safeguards Working Group on Plutonium Shipping Packages; 2–12–76 4076

CANCELLED MEETINGS—
HEW/NIH: Cancer Control Intervention Programs Review Committee; 2–13–76 4055

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

contents

AGRICULTURAL MARKETING SERVICE
Notices
Meetings:
Raisin Advisory Board 4050

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Crop rice; acreage allotments 4011
Proposed Rules
Peanuts; proposed determination of supply for 1976–77 marketing year 4021

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
Rules
Authority delegations by Secretary and General Officers:
Under Secretary, Assistant Secretaries and Director of Agricultural Economics; acceptance of gifts 4011
Notices
Meetings:
Civil Rights, Citizens Advisory Committee on 4050
Privacy Act of 1974; addition to systems of records 4051

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Waiver of claims; scabies in cattle 4012
Notices
Meetings:
Salmonella Advisory Committee 4050

ARMY DEPARTMENT
Notices
Committees; establishment, renewals, etc.:
Financial Management Advisory Committee 4038

CIVIL AERONAUTICS BOARD
Notices
Office of the Consumer Advocate; presentation 4059
Hearings, etc.:
Far Eastern Air Transport Corp 4059
International Air Transport Association 4059

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Securities and Exchange Commission 4011

COMMERCE DEPARTMENT
See also National Technical Information Service.
Notices
Meetings:
Commerce Technical Advisory Board 4053

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Community development block grants; applications for entitlement grants 4131

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Bicycle safety requirements 4143

DEFENSE DEPARTMENT
See also Army Department.
Notices
Meetings:
Defense Intelligence Agency Scientific Advisory Committee (2 documents) 4038
Science Board, task forces, etc 4038

DRUG ENFORCEMENT ADMINISTRATION
Rules
Schedules of controlled substances:
Peyote 4015
Notices
Hearings, etc.:
Coastal Pharmaceuticals, Inc 4039
Kauffman-Lattimer Co 4039

EDUCATION OFFICE
Notices
Meetings:
Advisory Council on Developing Institutions 4058

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Light duty vehicles and trucks; proposed evaporative emission regulations 4022
Notices
Environmental impact statements; agency comments 4059
Pesticide products containing heptachlor or chlordane; objections and request for hearing 4064
Pesticides, specific exemptions and experimental use permits:
South Carolina; DDT formulation on cotton 4063
Registration of a pesticide product; consideration of data by the Administrator in support of a application; correction 4063
Violating facilities, list 4064

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Environmental impact statements; availability:
Los Alamos Scientific Laboratory 4065
Stanford Linear Accelerator Center 4065

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Bell 4013
Reporting points 4013
Standard instrument approach procedures 4013
Proposed Rules
Transition areas 4021

FEDERAL COMMUNICATIONS COMMISSION
Notices
World Administrative Radio Conference 4065

FEDERAL POWER COMMISSION
Notices
Environmental impact statements; availability:
Distrigas Corp. and Distrigas of Massachusetts Corp 4074
Hearings, etc.:
Appalachian Power Co. (2 documents) 4074
Minnesota Power and Light Co. and Superior Water, Light and Power Co 4074

FEDERAL RESERVE SYSTEM
Proposed Rules
Bank holding companies:
Automobile leasing 4022
Notices
Applications, etc.:
Florida National Banks of Florida 4075
First National Charter Corp 4075
Northwest Ohio Bancshares, Inc 4075
State Street Boston Financial Corp 4075

FEDERAL TRADE COMMISSION
Notices
Meetings:
National Selected Morticians and the National Funeral Directors Association 4076

FISH AND WILDLIFE SERVICE
Rules
Public access, use and recreation:
Crab Orchard National Wildlife Refuge, Ill 4020
Notices
Endangered species permits; applications (6 documents) 4040–4048

FOOD AND DRUG ADMINISTRATION
Rules
Biological products:
Alternative thioglycollate medium 4014
Proposed Rules
Processed fruits and vegetables; standards of fill of container and label statement of drained weights and extension of time for comments 4021

CONTENTS

FOREST SERVICE

Notices

Meetings:
Malheur National Forest Grazing Advisory Board (2 documents) ---- 4050

GEOLOGICAL SURVEY

Notices

Geothermal resource areas, operations, etc.:
Nevada ---- 4050
Utah ---- 4050

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Health Resources Administration; National Institutes of Health.

HEALTH RESOURCES ADMINISTRATION

Notices

Meetings:
National Advisory Council on Nurse Training and National Advisory Council on Health Professions Education ---- 4054

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION

See Community Planning and Development, Office of Assistant Secretary; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.

Notices

Environmental statements, availability:
Southwest Power Administration ---- 4049

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Primary lead metal from Australia and Canada ---- 4076
Reclosable plastic bags ---- 4076

INTERSTATE COMMERCE COMMISSION

Notices

Car service exemptions, mandatory ---- 4082
Fourth section applications for relief ---- 4082
Hearing assignments (2 documents) ---- 4081, 4082
Motor carrier revenue proceedings–intercity bus industry, procedures ---- 4082
Motor carriers:
Alternate route deviation notices (2 documents) ---- 4082, 4083
Applications and certain other proceedings ---- 4083
Irregular route property carriers; gateway elimination ---- 4088
Transfer proceedings ---- 4087

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc.:
Triple J. Ranches, Inc. et al ---- 4139

JUSTICE DEPARTMENT

See also Drug Enforcement Administration.

Notices

Meetings:
Federal Advisory Committee on False Identification ---- 4039

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

Notices

Committees, panels; establishment, renewals, etc.:
Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs ---- 4081

LAND MANAGEMENT BUREAU

Notices

Meetings:
Vale District Advisory Board ---- 4039
Survey plat filings:
California ---- 4039

MANAGEMENT AND BUDGET OFFICE

Notices

Budget rescissions and deferrals ---- 4155
Clearance of reports; list of requests ---- 4078

MARINE MAMMAL COMMISSION

Rules

Federal Advisory Commission Act implementation; correction ---- 4020
Freedom of Information Act implementation; correction ---- 4020

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
School bus passenger seating and crash protection ---- 4016

NATIONAL INSTITUTES OF HEALTH

Notices

Committees; establishment, renewals, etc.:
Cancer Institutional Fellowship Review Committee ---- 4058
Commission for the Control of Epilepsy and Its Consequences ---- 4058
Commission for the Control of Huntington's Disease and Its Consequences ---- 4058
Dental Research Institutes and Special Programs Advisory Committee ---- 4058
Current Status and Prospects for Improved and New Bacterial Vaccines; Symposium ---- 4059
Meetings:
Artificial Kidney-Chronic Uremia Advisory Committee ---- 4054
Board of Regents, National Library of Medicine ---- 4057
Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases ---- 4057
Breast Cancer Task Force ---- 4054
Cancer Control Intervention Programs Review Committee; cancellation ---- 4055
Clinical Applications and Prevention Advisory Committee (2 documents) ---- 4056
Infectious Disease Committee ---- 4055
Lipid Metabolism Advisory Committee ---- 4055
NANCDS Council Planning Subcommittee ---- 4057
National Advisory Allergy and Infectious Diseases Council ---- 4056
National Advisory Environmental Health Sciences Council ---- 4055
National Advisory Research Resources Council ---- 4055
National Cancer Advisory Board ---- 4056
National Commission on Arthritis and Related Musculoskeletal Diseases ---- 4057
National Institute of Environmental Health Sciences ---- 4057

NATIONAL TECHNICAL INFORMATION SERVICE

Notices

Inventions, government-owned; availability for licensing (2 documents) ---- 4052, 4053

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Working Group on Plutonium Shipping Packages ---- 4076
Nuclear Energy Center Site Survey; availability of 75 report ---- 4077

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

State plans for enforcement of standards:
Kentucky ---- 4034
Maryland ---- 4035

POSTAL SERVICE

Notices

International mail; proposals adopted by the 1974 Congress of the Universal Postal Union ---- 4078

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Municipal securities; regulation of professionals and transactions ---- 4022

Notices

Hearings, etc.:

Central Power and Light Co., et al ---- 4078

Tri-State Oil and Gas, Inc. (2 documents) ---- 4079, 4080

SMALL BUSINESS ADMINISTRATION

Rules

Small business size standards; definitions for purpose of government procurement ---- 4013

Notices

Meetings:

San Diego District Advisory Council ---- 4080

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:

Farm Brook, Conn ---- 4051

McNairy-Cypress Creek, Tenn ---- 4051

Shuqualak Creek, Mississippi ---- 4051

South Fork, Ark ---- 4051

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

Notices

Antidumping:

Hollow or cored ceramic brick and tile, not including refractory or heat insulating articles, from Canada ---- 4037

VETERANS ADMINISTRATION

Rules

Inspection at destination ---- 4016

Proposed Rules

Schedule for rating disabilities; proposed regulatory development ---- 4023

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

5 CFR

213 ---- 4011

7 CFR

2 ---- 4011

730 ---- 4011

PROPOSED RULES:

729 ---- 4021

9 CFR

73 ---- 4012

12 CFR

PROPOSED RULES:

225 ---- 4022

13 CFR

121 ---- 4013

14 CFR

39 ---- 4013

71 ---- 4013

97 ---- 4013

PROPOSED RULES:

71 ---- 4021

16 CFR

1500 ---- 4144

1512 ---- 4144

17 CFR

PROPOSED RULES:

240 ---- 4022

21 CFR

610 ---- 4015

630 ---- 4015

640 ---- 4015

680 ---- 4015

PROPOSED RULES:

1 ---- 4021

10 ---- 4021

27 ---- 4021

51 ---- 4021

53 ---- 4021

24 CFR

570 ---- 4131

28 CFR

1308 ---- 4015

29 CFR

PROPOSED RULES:

1952 (2 documents) ---- 4034, 4035

38 CFR

PROPOSED RULES:

4 ---- 4023

40 CFR

PROPOSED RULES:

86 ---- 4022

41 CFR

8–14 ---- 4016

49 CFR

571 ---- 4016

50 CFR

28 ---- 4020

510 ---- 4020

520 ---- 4020

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

1 CFR

Ch. 1 1
305 ..... 1868, 3982

3 CFR

PROCLAMATIONS:

3279 (Amended by Proc. 4412) 1047
4210 (See Proc. 4412) 1037
4335 (Revoked by Proc. 4410) 749
4341 (See Proc. 4412 1037
4382 (See Proc. 4410) 749
4410 749
4411 1037
4412 1037
4413 3455
4414 3457

EXECUTIVE ORDERS:

11157 (Amended by EO 11897) 2071
11531 (Superseded by EO 11895) 1465
11647 (Amended by EO 11892) 751
11717 (Superseded in part by EO 11893) .....
11731 (Amended by EO 11892) 751
11846 (Amended by EO 11894) 1041
11861 (Amended by EO 11898) 1040
11867 (Superseded in part by EO 11893) 1040
11892 751
11893 1040
11894 1041
11895 1465
11896 2067
11897 2071
11898 2365
11899 3459
11900 3461

MEMORANDUMS:

Memorandum of Nov. 10, 1975 2627

4 CFR

20 ..... 2073, 2367

5 CFR

213 ..... 1467, 1577, 1737, 2073, 3073, 4011
930 2074

PROPOSED RULES:

2402 1400

7 CFR

2 ..... 3463, 4011
16 2805
52 2367
53 2371
210 3073
226 2074
246 ..... 1743, 3733
250 1487
271 ..... 1268, 1269, 3073
401 ..... 1577, 1578
722 ..... 1580, 3270
729 1885
730 ..... 1043, 4011
793 2805
905 3282
907 ..... 1489, 2225, 3282
910 ..... 1, 1580, 1885, 2371, 3463
915 3283

7 CFR—Continued

916 1043
993 2372
999 2074
1823 1490
1822 2372
1832 3464
1872 1490
2610 1886

PROPOSED RULES:

20 3744
51 2074
52 ..... 3309, 3741
210 2249
225 ..... 1078, 2650
663 6
662 1774
722 2097
729 4021
730 1078
905 2091
907 1600
928 1077
959 2091
984 1916
991 3093
1002 2092
1131 2093
1430 775
1701 775
1813 3094

8 CFR

103 ..... 1887, 2629

PROPOSED RULES:

243 2647

9 CFR

73 4012
78 ..... 753, 766, 2075
92 3073
97 3074
317 ..... 2225, 2630
318 2630
319 2630
350 753
351 753
355 753
381 2225

PROPOSED RULES:

92 2249
303 1289
318 1773
331 2827
381 ..... 1289, 1773, 2827

10 CFR

205 2226
210 1486
211 ..... 1044, 1487
212 1267
213 2226

PROPOSED RULES:

205 2249
209 ..... 1291, 2833
210 1564
211 2830
212 ..... 1295, 1564, 1580

11 CFR

PROPOSED RULES:

115 2251

12 CFR

8 3284
208 1269
210 3074
265 1737
304 2630
333 2374
561 1888
571 2805
613 1269

PROPOSED RULES:

202 1769
210 3097
225 4022
406 1086

13 CFR

121 4013
309 ..... 1738, 3286

PROPOSED RULES:

115 1608

14 CFR

Ch. I 2248
21 1030
29 1060
39 ..... 1046–1055, 1270, 1581, 1738, 1888, 1889, 2375–2377, 2631, 3847, 4013
71 ..... 2, 300, 753, 1055, 1467, 1582, 1583, 1739, 1889, 1890, 2075, 2377, 2378, 3074, 3075, 3464, 3465, 3733, 3848, 4013
73 ..... 300, 1055, 1583
75 ..... 300, 1890, 3465
91 ..... 1060, 1890
95 1055
97 ..... 1270, 3347, 3075, 4013
288 1271
385 1060
1207 2631

PROPOSED RULES:

37 776
39 ..... 1762, 3483, 3878
71 ..... 1605, 1763, 2249, 3311, 3484, 3746, 4021
121 ..... 1085, 2650
129 ..... 1085, 2650
253 781
298 1764
399 ..... 781, 1500

15 CFR

3 1583
30 2076
60 3466
377 2076
929 2378

16 CFR

13 ..... 753, 2078, 2079, 2381, 2633–2635, 3076, 3077
19 2383
20 2383
31 2383
33 2383
37 2383
49 2383
53 2383
65 2383
72 2383
76 2383
84 2383
85 2383
87 2383
97 2383
99 2383
108 2383
109 2383
110 2383
111 2383
119 2383
120 2383
121 2383
122 2383
124 2383
125 2383
126 2383
127 2383
129 2383
133 2383
134 2383
137 2383
139 2383
140 2383
143 2383
147 2383
148 2383
155 2383
163 2383
164 2383
166 2383
167 2383
168 2383
171 2383
172 2383
173 2383
179 2383
180 2383
183 2383
188 2383
189 2383
190 2383
211 2383
212 2383
213 2383
215 2383
219 2383
225 2383
301 2635
1207 2742
1500 4144
1512 ..... 1061, 4144
1615 1061
1616 1061
1630 1061

PROPOSED RULES:

Ch. I 3322
18 2398
21 2398
22 2398
25 2398
27 2398

16 CFR—Continued

PROPOSED RULES—Continued

28 2399
30 2389
32 2398
35 2398
39 2398
42 2398
43 2398
47 2398
48 2398
50 2398
51 2398
58 2398
64 2399
66 2398
71 2398
88 2398
92 2398
101 2398
105 2398
132 2398
136 2398
138 2398
144 2398
145 2398
149 2399
161 2398
169 2398
176 2398
177 2398
181 2398
182 2398
185 2398
186 2398
191 2398
193 2399
194 2398
195 2398
196 2398
198 2398
199 2398
201 2398
202 2398
206 2398
207 2398
217 2398
220 2399
222 2389
226 2398
227 2398
423 3747
450 1501
455 ..... 1089, 2100
456 2399

17 CFR

0 2508
1 3194
10 2508
12 3994
16 3207
17 3207
18 3208
19 3209
20 3210
21 3210
30 3211
140 3211
146 3212
150 3215
200 1739
211 ..... 3733, 3736
230 1272
240 1741
241 3469

17 CFR—Continued

PROPOSED RULES:

230 10
240 ..... 1771, 4022
270 2256
274 2256

18 CFR

2 ..... 2806, 3092
3 ..... 3269, 3270
35 3848
101 3849
104 3849
141 3849
201 3849
204 3849
260 3849

PROPOSED RULES:

3 3096
35 3746
154 3096
260 3096
701 1921

19 CFR

153 2820
159 ..... 1273–1275, 1467, 1468, 1587, 1588, 1741
161 2383

PROPOSED RULES:

12 1498

20 CFR

10 2
405 1491
617 3079
901 2080
902 2080
903 1493

PROPOSED RULES:

405 1499
410 1762
422 1601
450 1603
602 776
614 2828
620 3095

21 CFR

1 ..... 1156, 2636
2 ..... 1891, 2383, 2636
8 754
27 1469
102 ..... 1156, 2636
121 ..... 1061, 1276, 1469, 3286, 3852
123 1589
431 ..... 2384, 3736
520 ..... 1276, 1891, 2384, 2821
522 2821
520 ..... 1276, 1891, 2384, 2821, 3853
558 ..... 1061, 1276, 1469, 1892, 3079
561 1589
610 4015
630 4015
640 4015
680 4015
1308 3287

PROPOSED RULES:

1 4021
10 4021

21 CFR—Continued

PROPOSED RULES—Continued

27 ... 4021
51 ... 4021
53 ... 4021
338 ... 1498, 3745
339 ... 1498, 3745
340 ... 1498, 3745
1304 ... 1498

23 CFR

230 ... 3080
820 ... 3080

PROPOSED RULES:

1204 ... 3315, 3317

24 CFR

82 ... 1672
201 ... 3267
203 ... 1277
207 ... 3081
213 ... 1277, 3081
220 ... 3081
221 ... 3081
231 ... 3081
234 ... 1277, 3081
235 ... 1168, 3470
236 ... 3081
275 ... 2821, 3081
300 ... 2084
570 ... 2766, 4131
888 ... 2085, 3082, 3440
890 ... 2344
1909 ... 1062
1912 ... 1062
1914 ... 1062, 1470, 1751, 1893
1915 ... 1277, 1472, 1751, 2240, 3085
1916 ... 1277–1280
1917 ... 1894–1898, 2645
1920 ... 2645, 2646

PROPOSED RULES:

207 ... 3481
213 ... 3481
221 ... 3481
232 ... 3481
241 ... 3481
242 ... 3481
244 ... 3481
282 ... 3406
283 ... 3406
570 ... 2348
888 ... 2098, 3094
1905 ... 1499
1912 ... 1500

25 CFR

232 ... 1898
252 ... 3288

PROPOSED RULES:

252 ... 3309
131 ... 1915

26 CFR

1 ... 1063, 1280, 2636, 2642
31 ... 1903

PROPOSED RULES:

1 ... 1289, 1915, 2647
31 ... 2087
41 ... 768
48 ... 768
142 ... 768

27 CFR

4 ... 1063
18 ... 2642

PROPOSED RULES:

5 ... 1077
178 ... 3877
181 ... 3877

28 CFR

0 ... 3289
4 ... 3853
4a ... 3855
1308 ... 4015

29 CFR

102 ... 1478
1952 ... 1904
2509 ... 1906, 3289
2555 ... 1906
2556 ... 1906

PROPOSED RULES:

40 ... 3486
697 ... 3878
1910 ... 3485, 3745
1926 ... 3745
1952 ... 1918, 4034, 4035

30 CFR

PROPOSED RULES:

250 ... 3481

31 CFR

PROPOSED RULES:

223 ... 1077

32 CFR

505 ... 1286
820 ... 1906

PROPOSED RULES:

888f ... 2089
1452 ... 3882

33 CFR

110 ... 2086
117 ... 2385, 3857
127 ... 2086
157 ... 1479
207 ... 3291

PROPOSED RULES:

82 ... 10
117 ... 10, 754, 3745
127 ... 755
208 ... 3740

34 CFR

235 ... 755

PROPOSED RULES:

Ch. I ... 779

36 CFR

60 ... 1590
606 ... 1286
703 ... 2229
1002 ... 2385

PROPOSED RULES:

7 ... 1600, 2826

37 CFR

1 ... 756
2 ... 756

38 CFR

1 ... 3857
36 ... 1913

PROPOSED RULES:

4 ... 4023

39 CFR

225 ... 3470

40 CFR

35 ... 2912
52 ... 1913, 2231, 3085, 3320, 3475
60 ... 1913, 2232, 2332, 3826
61 ... 1914
142 ... 2916
180 ... 762, 763, 2822
201 ... 2184
204 ... 2162
247 ... 2356
414 ... 902
418 ... 2386

PROPOSED RULES:

52 ... 1065, 1921, 2099, 2263
85 ... 2264
86 ... 2022, 4022
104 ... 1765
180 ... 2829, 2830
245 ... 2359
414 ... 914
1510 ... 2396

41 CFR

1–1 ... 3737
1–16 ... 3737
4–1 ... 1742
7–7 ... 1914
7–15 ... 1914
8–1 ... 3292
8–4 ... 3292
8–14 ... 4016
8–16 ... 3293
Ch. 9 ... 3293
9–3 ... 2388
14–2 ... 763
14–18 ... 763
101–11 ... 3738
101–26 ... 3293
101–27 ... 3858
105–54 ... 2235
114–40 ... 2237
114–50 ... 3086

PROPOSED RULES:

24–1 ... 3220
24–2 ... 3220
24–3 ... 3220
24–4 ... 3220
24–7 ... 3220
24–11 ... 3220
24–13 ... 3220
24–16 ... 3220
24–30 ... 3220
24–50 ... 3220
51–5 ... 1764

42 CFR

PROPOSED RULES:

23 ... 3822
57 ... 3552
83 ... 1757, 2249

43 CFR

2090 ... 1598
2096 ... 1597
2610 ... 1597
2740 ... 1598
3300 ... 3737, 3859
4110 ... 3298

PUBLIC LAND ORDERS:

5568 ... 2823, 3859

PROPOSED RULES:

2 ... 2826
3520 ... 2648
5400 ... 3877

45 CFR

17 ... 2
100 ... 1395
100b ... 1395
117 ... 1395
121 ... 1395
130 ... 1395
141 ... 1395
173 ... 1395
180 ... 1876
249 ... 2198
250 ... 2198

PROPOSED RULES:

103 ... 2252
1336 ... 2046

46 CFR

30 ... 3086, 3842
32 ... 3843
34 ... 3846
42 ... 1470
146 ... 763, 2086
151 ... 3086
294 ... 3298
536 ... 765

47 CFR

1 ... 1286, 1372
2 ... 2389, 3859
73 ... 2389, 3737
76 ... 1063, 1742, 3860
78 ... 3718
83 ... 3299
87 ... 1598, 2389, 2390
89 ... 3863
95 ... 3299
97 ... 1482, 2824

PROPOSED RULES:

0 ... 2100
1 ... 2100, 2396, 2397
2 ... 3879
43 ... 1290
68 ... 778
73 ... 1088, 1089, 1291, 1500, 1501, 3880
76 ... 1606
81 ... 2398
83 ... 2397, 2398, 3321
93 ... 3879

49 CFR

1 ... 1288
25 ... 3300
173 ... 3477
178 ... 3869
179 ... 3869
255 ... 2524
257 ... 2525
567 ... 3478
571 ... 4, 765, 1066, 1483, 1598, 2391, 3478, 3870–3872, 3874, 4016
575 ... 1066
1001 ... 2824
1002 ... 1483, 2824
1007 ... 3087
1033 ... 4, 2644, 3090, 3091
1045 ... 1484
1048 ... 3305

49 CFR—Continued

1056 ... 1742
1100 ... 1485
1125 ... 3402
1132 ... 1485
1133 ... 1486
1134 ... 3091
1141 ... 1486
1151 ... 1486

PROPOSED RULES:

173 ... 1919, 2829
178 ... 1919, 2829
395 ... 3311
567 ... 3315
571 ... 1763, 2828, 3485, 3878
575 ... 3315
577 ... 3485
579 ... 3485
1003 ... 1923
1048 ... 2254, 3333
1049 ... 2254
1100 ... 1923
1104 ... 1923
1043 ... 779
1056 ... 1607, 1608
1084 ... 779
1204 ... 2100
1260 ... 2100
1261 ... 2100

50 CFR

17 ... 1915
21 ... 2237
28 ... 766, 1743, 4020
33 ... 2240, 3305
240 ... 1067
260 ... 2395
501 ... 4
510 ... 3306, 4020
520 ... 3307, 4020

PROPOSED RULES:

17 ... 3877

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*
1–747	2	2365–2626	16
749–1034	5	2627–2803	19
1035–1266	6	2805–3071	20
1267–1464	7	3073–3267	21
1465–1575	8	3269–3453	22
1577–1735	9	3455–3731	23
1737–1884	12	3733–3846	26
1885–2065	13	3847–4010	27
2067–2224	14	4011–4250	28
2225–2363	15		

reminders

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

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—
Price support program for milk; comments by 2–4–76..... 775; 1–5–76

Rural Electrification Administration—
Common control central office equipment; comments by 2–4–76. 775; 1–5–76

DEFENSE DEPARTMENT

Corps of Engineers
Emergency drinking water supplies; Army and other resources; comments by 2–5–76..... 59212; 12–22–75

ENVIRONMENTAL PROTECTION AGENCY

Significant organic products segment of the organic chemicals manufacturing point source category; comments by 2–4–76..... 914; 1–5–76

FEDERAL COMMUNICATIONS COMMISSION

Cable television system; regular subscription rates; reply comments by 2–10–76..... 1607; 1–9–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Fill of container standards and label statement; drained weights for processed fruits and vegetables; comments by 2–5–76..... 52172; 11–7–75

Marketing status of ingredients recommended for over-the-counter drugs; enforcement policy; comments by 2–2–76..... 56675; 12–4–75

Marketing status of ingredients recommended for over-the-counter use; comments by 2–6–76. 57811; 12–12–75

Social Security Administration—
Availability of information to the public; organization and procedures; comments by 2–9–76..... 1601; 1–9–76

Experimental Day-Care Programs; research grants and contracts; comments by 2–9–76.... 1603; 1–9–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Housing Production and Mortgage Credit Office—
Section 8 Housing Assistance Payments Program; fair market rents for new construction and substantial rehabilitation; comments by 2–6–76..... 3094; 1–21–76

INTERIOR DEPARTMENT

National Park Service—
Site use, El Portal Administrative Site, Yosemite National Park, Calif.; comments by 2–9–76..... 1600; 1–9–76

INTERSTATE COMMERCE COMMISSION

Motor carriers and freight forwarders; cargo insurance; comments by 2–4–76..... 779; 1–5–76 1608; 1–9–76

LABOR DEPARTMENT

Employment and Training Administration—
State employment services; change of symbol; comments by 2–4–76. 776; 1–5–76

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Proposed airworthiness directives; Boeing 727 series; comments by 2–3–76..... 53269; 11–17–75

Materials Transportation Bureau—
Hazard information systems; comments by 2–5–76..... 26688; 6–25–75, 44336; 9–26–75

National Highway Traffic Safety Administration—
Motor vehicle safety standards; brake fluids; comments by 2–5–76. 56928; 12–5–75

TREASURY DEPARTMENT

Customs Service—
Entry of merchandise; new duty assessment by account (DABA) procedures; comments by 2–2–76. 56674; 12–4–75

Next Week's Meetings

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Advisory Council to be held in Los Angeles, California (open), 2–4–76. 2857; 1–20–76

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee on Arms Control and Disarmament; to be held in Washington, D.C. (closed), 2–2 and 2–3–76..... 59236; 12–22–75

CIVIL SERVICE COMMISSION

Federal Employees Pay Council to be held in Washington, D.C. (closed); 2–4–76..... 2110; 1–14–76

CIVIL RIGHTS COMMISSION

California Advisory Committee; to be held at San Francisco, Calif. (open), 2–6–76..... 59373; 12–23–75

COMMERCE DEPARTMENT

Domestic and International Business Administration—
Importers' Textile Advisory Committee, to be held in Washington, D.C. (open), 2–5–76.. 58673; 12–18–75

DEFENSE DEPARTMENT

Army Department—
Scientific Advisory Panel, to be held at Moffett Field, Calif. (partially open), 2–2 and 2–3–76. 56938; 12–5–75

Air Force Department—
USAF Scientific Advisory Board; to be held in Los Angeles, Calif. (closed), 2–5 and 2–6–76.... 2265; 1–15–76

Navy Department—
Secretary of the Navy's Advisory Board on Education and Training, to be held in Pensacola, Florida (open), 2–2–76..... 1503; 1–8–76

Office of the Secretary—
Wage Committee; to be held in Washington, D.C. (closed), 2–3–76. 60100; 12–31–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—
Pulmonary Diseases Advisory Committee; to be held in Bethesda, Md. (open), 2–6 and 2–7–76. 54605; 11–25–75

National Cancer Institute Advisory Committees to be held in Bethesda, Md., (portions open); 2–2, 2–5, 2–7–76..... 2107; 1–14–76

INTERIOR DEPARTMENT

Land Management Bureau—
Coeur d'Alene District Multiple Use Advisory Board; to be held at Coeur d'Alene, Idaho (open), 2–4 and 2–5–76..... 784; 1–5–76

National Park Service—
Fort Larned National Historic Site environmental assessment meeting; to be held in Larned, Kans. (open), 2–3–76..... 789; 1–5–76

Midwest Regional Advisory Committee; to be held in Omaha, Neb. (open), 2–4 through 2–6–76. 789; 1–5–76

Rocky Mountain Regional Advisory Committee, to be held in Lakewood, Colo. (open), 2–4 and 2–5–76. 59606; 12–29–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—
Alarm Committee of Private Security Advisory Council; to be held in Louisville, Kentucky; (open); 2–5 and 2–6–76..... 3109; 1–21–76

MARINE MAMMAL COMMISSION

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals to be held in Seattle, Wash., preliminary notice, 2–19 thru 2–21–76 ..... 1654; 1–9–76

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

To be held in Cleveland, Ohio (open), 2–5 and 2–6–76 ..... 803; 1–5–76

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFER

To be held in Washington, D.C. (open), 2–6–76 ..... 2870; 1–20–76

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Architecture and Environmental Arts Advisory Panel (open); 2–3 and 2–4–76 ..... 2283; 1–15–76

National Council on the Arts; to be held at Columbia Plaza Building, Washington, D.C. (open with restrictions); 2–7–76, and at the Sheraton Park Hotel, Washington, D.C. (closed); 2–8–76 ..... 3357; 1–22–76

NATIONAL SCIENCE FOUNDATION

Advisory Panel For Engineering Chemistry and Energetics to be held in Washington, D.C. (open), 2–2–76. 2127; 1–14–76

Advisory Panel For Psychobiology to be held in Washington, D.C. (closed), 2–5 and 2–6–76 ..... 2870; 1–20–76

Advisory Panel For Neurobiology to be held in Washington, D.C. (closed); 2–2 and 2–3–76 ..... 2127; 1–14–76

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards, Advisory Committee on; to be held in Washington, D.C. (open with restrictions); 2–5 through 2–7–76 ..... 3111; 1–21–76

Advisory Committee on Reactor Safeguards Subcommittee on D.C. Cook Nuclear Plant to be held in Washington, D.C. (portions open), 2–4–76. 2871; 1–20–76

STATE DEPARTMENT

Office of the Secretary—

U.S. National Committee for the International Radio Consultative Committee; to be held in Washington, D.C. (open with restrictions), 2–5–76 ..... 60096; 12–31–75

Next Week's Public Hearings

AMERICAN INDIAN POLICY REVIEW COMMISSION

Commission proceedings and task force report; hearing to be held in San Diego, California, 1–31 and 2–1–76. 2856; 1–20–76

Commission proceedings and task force reports; hearing to be held in Yakima, Washington, 2–2 and 2–3–76. 2856; 1–20–76

CIVIL AERONAUTICS BOARD

National Air Carrier Association v. Lufthansa German Airlines Enforcement Proceeding; to be held in Washington, D.C. 2–3–76 ..... 59371; 12–23–75

INTERNATIONAL TRADE COMMISSION

Hearing on condition and competitions between domestic and imported shrimp; to be held in Brownsville, Tx, 1–27–76 and in Savannah, Ga. 2–3–76 ..... 59377; 12–23–75

Weekly List of Public Laws

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

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Securities and Exchange Commission

Section 213.3130(c) is amended to show the increase from three to four SEC Professional Accounting Fellows.

Effective on January 28, 1976.

§ 213.3130(c) is amended as set out below:

§ 213.3130 Securities and Exchange Commission.

* * * * *

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC Accounting Fellow program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years.

(5 U.S.C. secs. 3301, 3303; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

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

[FR Doc.76–2701 Filed 1–27–76;10:41 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

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

Acceptance of Gifts

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to delegate to the Assistant Secretary for Conservation, Research, and Education, the authority to accept gifts for the benefit of the National Arboretum and to redelegate such authority to the Administrator, Agricultural Research Service, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

Section 2.19 is amended by revising paragraph (a)(16) to read as follows:

§ 2.19 Delegations of Authority to the Assistant Secretary for Conservation, Research, and Education.

* * * * *

(a) *Related to agricultural research*

* * * * *

(16) Maintain a National Arboretum for purpose of research and education concerning tree and plant life; accept and administer gifts or devises of real and personal property for the benefit of the National Arboretum; and other disbursements from the Treasury (20 USC 191–195).

Subpart G—Delegations of Authority by the Assistant Secretary for Conservation, Research, and Education

Section 2.57 is amended by revising paragraph (a)(16) to read as follows:

§ 2.57 Administrator, Agricultural Research Service.

(a) * * *

* * * * *

(16) Maintain a National Arboretum for purposes of research and education concerning tree and plant life; accept and administer gifts or devises of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 USC 191–195).

* * * * *

Effective date: January 28, 1976.

EARL L. BUTZ,
Secretary of Agriculture.

Dated: January 21, 1976.

ROBERT W. LONG,
Assistant Secretary, Conservation, Research and Education.

Dated: January 21, 1976.

[FR Doc.76–2470 Filed 1–27–76;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1976–77 Marketing Year

STATE RESERVE ACREAGE, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1976 CROP RICE

The purpose of §§ 730.1504 and 730.1505 is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States.

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1976 crop of rice. The regulations for determination of acreage allotments for 1974 and subsequent crops of rice (§§ 730.61 to 730.87, 39 FR 9186, 15021, 40 FR 20060) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50542) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 26 to 30, 1976, it is essential that §§ 730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established in accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	0	0
Arkansas	0	----
California	0	50
Florida	29	0
Illinois	0	----
Louisiana:		
Farm administrative area	0	----
Producer administrative area	0	0
Mississippi	0	----
Missouri	0	----
North Carolina	0	----
Oklahoma	0	----
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1976 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1976 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments and reserve acreage will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment which is attributable to history and which is pooled as a result of productivity adjustments in the exchange of rice farm acreages allotments and upland cotton farm acreage allotments under Section 344a(h) of the act. Such State productivity pool shall not be allocated to producers, counties and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 18 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c)(1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1976 crop of rice.

State and county	County acreage allotment	County reserve acreages [1]
Arkansas:		
Arkansas	67,663	0
Ashley	6,387	0
Chicot	9,519	0
Clark	846	0
Clay	7,644	0
Conway	10	0
Craighead	16,069	0
Crittenden	6,229	0
Cross	31,759	0
Dallas	115	0
Desha	12,796	0
Drew	4,370	0
Faulkner	557	0
Grant	0	0
Greene	5,098	0
Hot Spring	420	0
Independence	870	0
Jackson	18,999	0
Jefferson	16,558	0
Lafayette	922	0
Lawrence	8,710	0
Lee	7,665	0
Lincoln	8,412	0
Little River	362	0
Lonoke	35,542	0
Miller	666	0
Mississippi	1,716	0
Monroe	13,501	0
Perry	765	0
Phillips	4,647	0
Poinsett	34,180	0
Prairie	35,997	0
Pulaski	2,214	0
Randolph	1,857	0
St. Francis	16,405	0
Arkansas—Continued		
White	1,296	0
Woodruff	17,706	0
Yell	315	0
Productivity pool	207	
State reserve	27	
Total	399,021	0
Illinois: Adams	20	0
Louisiana, farm administrative area:		
Acadia	84,488	15
Allen	22,676	10
Avoyelles	2,669	140
Beauregard	4,384	0
Bossier	59	0
Calcasieu	60,540	2
Cameron	11,710	1
Evangeline	40,453	5
Grant	0	0
Iberia	5,489	2
Jefferson Davis	87,850	25
Lafayette	9,105	10
Natchitoches	99	0
Rapides	871	0
St. Landry	16,039	20
St. Martin	4,605	0
St. Mary	2,908	0
Vermilion	103,800	25
Productivity pool	39	
State reserve	18	
Total, farm administrative area	457,802	255
Mississippi:		
Bolivar	20,425	0
Coahoma	2,249	0
De Soto	695	0
Hancock	162	0
Holmes	102	0
Humphreys	1,905	0
Issaquena	14	0
Leflore	3,559	0
Panola	94	0
Quitman	646	0
Sharkey	1,042	0
Sunflower	3,670	0
Tallahatchie	506	0
Tate	106	0
Tunica	3,120	0
Washington	8,356	0
Productivity pool	15	
State reserve	8	
Total	46,674	0
Missouri:		
Butler	1,517	0
Holt	2	0
Lewis	8	0
Lincoln	33	0
Marion	299	0
Mississippi	85	0
New Madrid	108	0
Pemiscot	575	0
Ripley	447	0
St. Charles	35	0
Scott	235	0
Stoddard	1,414	0
Total	4,758	0
North Carolina:		
Brunswick	9	0
Hyde	29	0
Total	38	0
Oklahoma: McCurtain	149	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 6, as amended, (7 U.S.C. 1344b(h), 1353, 1375))

Effective date: January 22, 1976.

Signed at Washington, D.C., on January 22, 1976.

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

[FR Doc.76-2272 Filed 1-22-76;12:11 pm]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Waiver of Claims

The purpose of this amendment is to provide for waiver of claims of future liability against the United States when cattle are dipped or otherwise treated with a permitted dip for scabies under Veterinary Services supervision or control.

Statement of considerations. On October 22, 1975, there was published in the FEDERAL REGISTER (40 FR 49349), a notice of proposed rulemaking which would provide for waiver of claims of future liability against the United States when cattle are dipped or otherwise treated with a permitted dip for scabies under Veterinary Services supervision or control.

A period of 32 days was allowed for submission of comments by interested persons. Only one comment was received. That one objected to the proposed waiver requirement on the basis that the problem is minor and that losses from dipping seldom occur.

Although losses from dipping are infrequent, a number of claims have been filed against the Department by owners for losses attributed to dipping in approved programs. Because of this a waiver is required when cattle are treated for ticks under applicable provisions of Part 72. Therefore, in order that uniform procedures may be followed each time a permitted dip is used, it is believed necessary that a waiver be obtained each time a permitted dip is used under the supervision or control of Veterinary Services.

After due consideration of all relevant information available including that submitted with such notice, the proposal is hereby adopted without change.

Accordingly, a new § 73.9 is added to read:

§ 73.9 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.

When the cattle are to be dipped under Veterinary Services supervision or control, the owner of the cattle offered for shipment, or his agent duly authorized thereto, shall first execute and deliver to a Veterinary Services inspector an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to said cattle occasioned by or resulting from dipping or other treatment under this part, or resulting from any subsequent treatment prior to their interstate shipment, or resulting from the fact that they are later found to be still scabies infested, and also for all subsequent loss or damage to any other cattle in the possession or control of such owner which may come into contact with the cattle so dipped or treated.

(Secs. 4–7, 23 Stat. 32, secs. 1, 2, 32 Stat. 791, secs. 1–4, 33 Stat. 1264 (21 U.S.C. 111–113) 115, 117, 120, 121, 123–126); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective January 28, 1976.

The amendment imposes restrictions necessary in order to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 23rd day of January, 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.76-2468 Filed 1-27-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13, Amendment 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurements for Products Classified in SIC Industry 2026, Fluid Milk

On July 18, 1975, there was published in the FEDERAL REGISTER (40 FR 30292) a notice that the Small Business Administration proposed to amend the definition of small business for the purpose of Government procurements for products classified in Standard Industrial Classification Industry 2026, *Fluid Milk.*

The currently effective standard is average employment not exceeding 500 persons. It was proposed to revise the standard so that, in computing a concern's number of employees, it would be permissible to exclude routemen making home deliveries. It also was proposed to add to the standard a requirement that a small concern have gross annual receipts not exceeding $25 million.

No adverse comment was received with respect to the proposal to exclude home delivery routemen, but there was substantial objection to the proposal to adopt a $25 million limitation. The principal objection was that a dollar limitation would tend to discriminate against cooperatives as distinguished from proprietary processors, and would make many cooperative processing plants unprofitable due to loss of volume with the result that they would be forced to close, thus creating unemployment among the labor force and severely injuring individual dairy farmers. No favorable comment was received.

Under all of the circumstances, we have determined to adopt the proposed exclusion of routemen making home deliveries, but to take no further action on our proposal to adopt a dollar limitation.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is further amended by:

1. Adding subparagraph (7) to § 121.3-8(b) of the size regulation to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(b) Manufacturing * * *

(7) As small if it is bidding on a contract for produce classified in SIC Code 2026, *Fluid Milk*, and its number of employees, exclusive of home-delivery routemen, does not exceed 500 persons.

Schedule B [Amended]

2. Deleting from Schedule B the size standard for SIC 2026, *Fluid Milk*, and also the footnote thereto.

Effective date: This amendment shall become effective March 29, 1976, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on/or after such effective date.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance.)

Dated: January 19, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-2449 Filed 1-27-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-SW-82; Amdt. 39-2502]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 212, 204B, and 205A–1 Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on January 8, 1976, and made effective immediately as to all known U.S. operators of Bell Models 212, 204B, and 205A–1 helicopters. The directive requires the removal of certain main rotor blades from further use for the Models 212, 204B, and 205A–1 helicopters and supersedes letter dated December 24, 1975, and Amendment 39–2488 (41 F.R. 1738), AD 76–01–05.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Bell Models 204B, 205A–1, and 212 helicopters by individual letters dated January 8, 1976. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

BELL: Applies to Bell Models 212, 204B, and 205A–1 helicopters certificated in all categories.

Compliance required as indicated after receipt of this AD.

Prior to next flight, remove the main rotor blades having the following Serial Numbers: A2–28211, A2–29920, A2–29325, A2–28198, A2–27872, A2–28195, A2–29315, A2–29919, A2–29334, A2–29915, A2–28016, A2–27961, A2–27982, A2–27963, A2–28023, A2–28015, A2–28019, A2–27968, A2–27967, A2–28020, A2–03642, A2–03646, and A2–03643.

This supersedes airmail letter dated December 24, 1975, and Amendment 39–2488 (41 FR 1738), AD 76–01–05.

This amendment is effective February 1, 1976, and was effective upon receipt for all recipients of the letter dated January 8, 1976, which contained this amendment.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1953 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Fort Worth, Texas, on January 19, 1976.

A. W. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-2418 Filed 1-27-76;8:45 am]

[Airspace Docket No. 75-GL-64]

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

Designation of Federal Airway

On December 2, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 55866) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish V–493 from Menominee, Mich., to Rhinelander, Wis.

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

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

§ 71.123 (41 FR 307) is amended by adding the following to V–493 "From Menominee, Mich., to Rhinelander, Wis."

(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 January 21, 1976.

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

[FR Doc.76-2419 Filed 1-27-76;8:45 am]

[Docket No. 15355; Amdt. No. 1005]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and

additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective March 11, 1976.*

Vivian, LA—Vivian Arpt., VOR/DME A, Amdt. 1
Scottsbluff, NE—Scotts Bluff County Arpt., VOR Rwy 23, Amdt. 6

.... effective January 16, 1976

Gulfport, MS—Gulfport Muni. Arpt., VOR Rwy 13, (TAC), Amdt. 15

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective March 11, 1976.*

Scottsbluff, NE—Scotts Bluff County Arpt., LOC(BC) Rwy 12, Amdt. 1

.... effective February 5, 1976

Des Moines, IA—Des Moines Muni. Arpt. LOC (BC) Rwy 12L, Amdt. 5, cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 11, 1976.*

Connersville, IN—Mettel Field, NDB Rwy 18, Amdt. 5
Scotsbluff, NE—Scotts Bluff County Arpt., NDB Rwy 12, Amdt. 1

.... effective February 12, 1976

Lancaster, SC—Lancaster County Arpt., NDB Rwy 24, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 11, 1976.*

Denver, CO—Jeffco Arpt., ILS Rwy 29R, Amdt. 1
Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 14L, Amdt. 21
Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 32R, Amdt. 12
Scottsbluff, NE—Scotts Bluff County, Arpt., ILS Rwy 30, Amdt. 3

.... effective February 5, 1976

Des Moines, IA—Des Moines Muni. Arpt., ILS Rwy 12 L, Original

.... effective January 21, 1976

Huntsville, AL—Huntsville-Madison County Jetport-Carl T. Jones Field, ILS Rwy 18R, Amdt. 13

.... effective January 20, 1976

Yakutat, AK—Yakutat Arpt., ILS Rwy 11, Amdt. 1

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 11, 1976.*

Denver, CO—Jeffco Arpt., RNAV Rwy 29R, Amdt. 1

Correction: In Docket Number 15257, Amendment 1000, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated December 30, 1975, on page 59724 . . . under Section 97.23 effective February 5, 1976, Hartford, CT—Hartford Brainard Arpt., VOR–A, Amdt. 3, is rescinded and Amdt. 2 remains in effect. . . . under Section 97.27 effective February 5, 1976, Hartford, CT—Hartford Brainard Arpt., NDB–B, Amdt. 3, is rescinded and NDB–A, Amdt. 2 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on January 22, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.76–2420 Filed 1–27–76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N–0257]

ALTERNATIVE THIOGLYCOLLATE MEDIUM FOR TESTING BIOLOGICAL PRODUCTS

Discontinuance for Sterility Testing

The Commissioner of Food and Drugs is amending the biologics regulations to discontinue the use of Alternative Thioglycollate Medium, also known as heated Thioglycollate Broth Medium, in the testing of biological products, effective January 28, 1976.

A proposal was published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18176), to amend § 610.12 *Sterility* to discontinue the use of Alternative Thioglycollate Medium because of its inhibitory effect on the growth of certain anaerobic microorganisms, which may contaminate biological products. Interested persons were given until May 27, 1975 to submit written comments regarding this proposal. One comment was received.

The comment requested clarification of the statement in the preamble to the proposal, which indicated that the United States Pharmacopeia (USP) XIX has deleted reference to Alternative Thioglycollate Medium from the chapter on sterility tests for drugs. The comment stated that USP XIX continues to recmend Alternative Thioglycollate Medium for the sterility testing of certain parenteral devices.

The Commissioner advises that the first supplement of USP XIX prescribes Alternative Thioglycollate Medium for limited use in sterility testing of certain parenteral devices. The USP continues to delete reference to the use of Alternative Thioglycollate Medium in testing biological products and all other drugs.

The Commissioner notes that § 630.74 (a) and (b) (21 CFR 630.74 (a) and (b)) regarding the test for Smallpox vaccine and § 640.2(b) (21 CFR 640.2(b)) regarding the periodic check on sterile technique for Whole Blood (Human) currently permit the use of Alternative Thioglycollate Medium under the name Thioglycollate Broth Medium. These are two names for the same product. It is generally recognized by the scientific community that any test for the presence of bacteria also constitutes a sterility test. Consequently, although the notice of proposed rulemaking did not specifically propose to amend §§ 630.74 and 640.2 to discontinue use of Thioglycollate Broth Medium, such amendment is consistent with the intent of the proposal since the medium is unsatisfactory for use in sterility tests because it inhibits the growth of certain anaerobic microorganisms which are associated with the contamination of biological products. Moreover, the proposed rulemaking deleting § 610.12(g)(5) would of necessity affect the additional standards for Whole Blood (Human) which currently require that the formula for Thioglycollate Broth Medium be as prescribed in § 610.12(g)(5) (the regulation incorrectly references § 610.12(f)(5)).

Accordingly, the Commissioner is amending §§ 630.74 (a) and (b) and 640.2(b) to delete references to Thioglycollate Broth Medium.

In addition, the Commissioner is amending § 680.3(c)(2) (21 CFR 680.3 (c)(2)) by changing the reference concerning § 610.12(g)(7) to § 610.12(g)(6). The change is made consistent with the amendment of § 610.12, which redesignates existing paragraph (g)(7) as paragraph (g)(6).

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure, and delayed effective date are unnecessary for the amendments of §§ 630.74 (a) and (b), 640.2(b), and 680.3(c)(2), as the amendments do

not impose an additional duty or burden on any person but rather promote consistency between the additional standards and the requirement of the general biologics regulations, as amended in § 610.12. Comments are nevertheless requested by February 27, 1976, and may justify further modification of this procedure.

The Commissioner has carefully considered the inflation impact of this regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter F of Chapter I of Title 21, of the Code of Federal Regulations is amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 [Amended]

1. In § 610.12 *Sterility* delete paragraph (g)(5) and redesignate existing paragraphs (g) (6) through (10) as (g) (5) through (9).

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

2. In § 630.74 by revise paragraphs (a) and (b) to read as follows:

§ 630.74 Tests for safety.

(a) *Clostridium tetani.* A 10 milliliter sample representative of the homogenized viral harvest or pool of several viral harvests shall be tested for the presence of *Clostridium tetani* in the following manner: Prior to the addition of preservatives other than glycerin, the test sample shall be inoculated into freshly heated Fluid Thioglycollate Medium using a ratio of inoculum to culture medium sufficient for optimal bacterial growth. The test vessels shall be incubated at 35° to 37° C and observed daily for at least 9 days of evidence of basterial growth. Within 24 to 48 hours of an indication that there may be anaerobic growth, 1.0 milliliter samples from each test vessel showing growth shall be injected subcutaneously into each of at least three mice, each weighing not more than 20 grams, or into each of at least three guinea pigs, each weighing not more than 350 grams, or into both such groups of mice and guinea pigs. The animals shall be observed daily for 6 days for signs of tetanus. If the animals show no signs of tetanus, additional groups of the same types and numbers of animals shall be injected 9 days after the original planting, with 1.0 milliliter samples from each test vessel showing growth. The animals shall be observed daily for 6 days for signs of tetanus. If any animals die within 3 days without having shown signs of tetanus, the test shall be repeated within 18 hours of the deaths with 0.1 milliliter samples of the culture from which that animal was inoculated. Samples from the culture shall be injected into each of three additional test animals of the same species and the animals observed daily for 6 days. If there is any evidence of the presence of *Clostridium tetani*, the viral harvest may not be used in the manufacture of Smallpox Vaccine.

(b) *Anaerobes.* Prior to the addition of preservatives other than glycerin, a 10 milliliter sample representative of the homogenized viral harvest or pool of viral harvests shall be inoculated into freshly heated Fluid Thioglycollat Medium using a ratio of inoculum to culture medium sufficient for optimal bacterial growth. The test vessels shall be held at 65° C for 1 hour, then incubated at 35° to 37° C and observed daily for 10 days for evidence of bacterial growth. Within 24 to 48 hours of the first appearance of anaerobic growth, 1.0 milliliter samples from each vessel showing growth shall be inoculated subcutaneously into each of at least three mice weighing not more than 20 grams and three guinea pigs weighing not more than 350 grams. Additional groups of animals shall be inoculated 9 days after the original planting if growth appears and provided the first set of test animals is negative. All test animals shall be observed daily for at least 6 days. If there is any evidence of the presence of heat resistant pathogenic anaerobes, the viral harvest may not be used in the manufacture of Smallpox Vaccine.

* * * * *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In § 640.2 revise paragraph (b) to read as follows:

§ 640.2 General requirements.

* * * * *

(b) *Periodic check on sterile technique.* Were blood is collected in an open system, that is, where the blood container is entered, at least one container of such blood that upon visual examination appears normal shall be tested each month between the 18th and 24th day after collection, as a continuing check on technique of blood collection, as follows: The test shall be performed with a total sample of no less than 10 milliliters of blood and a total volume of Fluid Thioglycollate Medium 10 times the volume of the sample of blood. The test sample shall be inoculated into one or more test vessels in a ratio of blood to medium of 1 to 10 for each vessel, mixed thoroughly, incubated for 7 to 9 days at a temperature of 30° to 32°C, and examined for evidence of growth of microorganisms every workday throughout the test period. On the third, fourth, or fifth day, at least a milliliter of material from each test vessel shall be subcultured in additional test vessels containing the same culture medium and in such proportion as will permit significant visual inspection; mixed thoroughly, incubated for 7 to 9 days at a temperature of 30° to 32° C, and examined for evidence of growth of microorganisms every workday throughout the test period. If growth is observed in any test vessel, the test shall be repeated to rule out faulty test procedure, using another sample of blood from either, (1) the container from which the initial test sample was taken; (2) the residual cells or plasma from that blood; or (3) two different containers of blood, each 18 to 24 days old and each tested separately. The formula for Fluid Thioglycolate Medium shall be as prescribed in § 610.12(e)(1) of this chapter. Media and design of container shall meet the requirements prescribed in § 610.12(e)(2) (i) and (ii) of this chapter. In lieu of performing one test using an incubation temperature of 30° to 32° C, two tests may be performed: Each in all respects as prescribed in this paragraph, one at an incubation temperature of 18° to 22° C and one at an incubation temperature of 35° to 37° C. A different test may be performed provided that prior to the performance of such a test, a manufacturer submits data that the Commissioner of Food and Drugs finds adequate to establish that the different test is equal or superior to the test herein prescribed as a check on sterile technique, and makes the finding a matter of official record.

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

4. In § 680.3 revise paragraph (c)(2) to read as follows:

§ 680.3 Tests.

* * * * *

(c) * * *

(2) For lots consisting of no more than 5 final containers, the final container test shall be performed in accordance with § 610.12(g)(6) of this chapter using the sample therein prescribed or using a sample of no less than 0.25 ml. of product from each final container, divided in approximately equal proportions for testing in Fluid Thioglycollate and Soybean-Casein Digest Media. The test sample in the later alternative method may be an overfill in the final container.

Effective date. This regulation shall be effective on January 28, 1976.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262).)

Dated: January 21, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-2429 Filed 1-27-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Peyote

On April 22, 1975, the Administrator of the Drug Enforcement Administration

issued a statement of policy and interpretation regarding peyote, a Schedule I controlled substance, and an order which provided as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(12) Peyote 7415

Meaning all parts of the plant presently classified botantically as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts.

(Interprets 21 USC 812(c), Schedule I(c)(12))

* * * * *

This was published in the FEDERAL REGISTER on April 28, 1975 (40 FR 18426).

Subsequently, on July 3, 1975, the Acting Administrator of the Drug Enforcement Administration issued an order further amending 21 CFR § 1308.11(d) by including therein the thiophene analog of phencyclidine (40 FR 28611; July 8, 1975). In that order Section 1308.11(d) was republished to accommodate the thiophene analog of phencyclidine, and peyote, previously listed as item (12) in such section, was redesignated therein as item (15). However, upon its redesignation the above-referenced language of the April 28, 1975 order defining peyote was inadvertently omitted.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended to read:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(15) Peyote 7415

Meaning all parts of the plant presently classified botanically as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts.

(Interprets 21 USC 812(c), Schedule I(c)(12))

This order is effective on the date of its issuance.

Dated: January 21, 1976.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-2496 Filed 1-27-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-14—INSPECTION AND ACCEPTANCE

Inspection at Destination

Part 8-14, Inspection and Acceptance, Chapter 8, Title 41, Code of Federal Regulations, is amended as set forth below.

The supply depots are authorized to correct packaging, packing, or marking not in accordance with contract requirements when the cost of correcting a partial receipt or projected cost of correcting total receipt does not exceed $50. Section 8-14.105-3 is amended to raise depot authorization of packaging, packing, or marking corrections to $100. In addition organizational titles have been updated and minor editorial change made to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedure and practices. Therefore, the public rule making process is deemed unnecessary in this instance.

1. In § 8-14.105-3, paragraph (b) is revised to read as follows:

§ 8-14.105-3 Inspection at destination.

* * * * *

(b) VA supply depots will report all instances of noncompliance to the contracting officer on VA Form 10-2055, Sample Transmittal Sheet and Inspection Report. The supply depots are authorized to correct packaging, packing, or marking not in accordance with contract requirements when the cost of correcting a partial receipt or projected cost of correcting total receipt does not exceed $100. When projected costs exceed $100, authorization will be obtained from the contracting officer prior to taking corrective action. The corrections made and the actual amount to be charged to the vendor will be shown on the reverse of VA Form 10-2055.

2. In § 8-14.105-51, paragraph (b)(4) is revised to read as follows:

§ 8-14.105-51 Inspection of subsistence.

* * * * *

(b) When either the Department of Agriculture or the Department of Commerce is indicated as the inspection activity, the solicitation will also provide that the contractor is responsible for:

* * * * *

(4) Furnishing samples for inspection at his/her expense.

* * * * *

3. In § 8-14.105-53, paragraph (b) introduction and paragraph (b)(3) are revised to read as follows:

§ 8-14.105-53 Supply depot selection of samples for test.

* * * * *

(b) On items bearing lot numbers, one unit will be selected from each lot to be tested, unless otherwise specified. Contracts will require that the contractor's shipping document or packing list indicate the lot numbers of items shipped to each depot on the contract. To reduce handling and transportation costs, samples of lots received at more than one location will be submitted as follows:

* * * * *

(3) The VA Supply Depot, Bell, Calif., will submit samples from lots not received at Hines or Somerville.

* * * * *

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective January 28, 1976.

Approved: January 22, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-2437 Filed 1-27-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 73-3; Notice 05]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Passenger Seating and Crash Protection

This notice establishes a new motor vehicle safety Standard No. 222, *School Bus Seating and Crash Protection*, that specifies seating, restraining barrier, and impact zone requirements for school buses.

The Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, directed the issuance of a school bus seating systems performance standard (and other standards in seven areas of vehicle performance). The NHTSA had already issued two proposals for school bus seating systems prior to enactment of the 1974 Safety Amendments (the Act) (38 FR 4776, February 22, 1973) (39 FR 27585, July 30, 1974) and subsequently published two additional proposals (40 FR 17855, April 23, 1975) (40 FR 47141, October 8, 1975). Each aspect of the requirements was fully considered in the course of this rulemaking activity. Comments received in response to the most recent proposal were limited to a few aspects of the standard.

The largest number of comments were received on the requirement that school bus passenger seats be equipped with seat belt anchorages at each seating position. The standard relies on compartmentalization between well-padded and well-constructed seats to provide occupant protection on school buses (other than van-type buses). At the same time, seat belt anchorages were proposed so that a greater measure of protection could be gained if a particular user chose to use the anchorages by installation of

seat belts together with a system to assure that seat belts would be worn, properly adjusted, and not misused.

Bus operators strongly expressed the view that the presence of seat belt anchorages would encourage the installation of seat belts by school districts without providing the necessary supervision of their use. The association of school bus operators (National School Transportation Association) also questioned the benefits that would be derived from anchorage installation as long as their utilization is not required. In view of these factors, and the indications that in any event only a small fraction of school buses would have belts installed and properly used, the NHTSA concludes that the proposed seat selt anchorage requirement should not be included in this initial school bus seating standard. Further study of the extent to which belts would be installed and properly used should permit more certainty as the basis for any future action.

NHTSA calculations demonstrate that the strength characteristics of the seat specified by the standard to provide the correct amount of compartmentalization also provide the strength necessary to absorb seat belt loads. This means that an operator or school district may safely attach seat belts to the seat frame, even where anchorages are not installed as original equipment. The seat is strong enough to take the force of occupants against the seat back if no belts are utilized, or the force of occupants against seat belts if occupants are restrained by belts attached to the seat frame through the anchorages provided.

The Physicians for Automotive Safety (PAS) requested that lap belts be required in addition to the compartmentalization offered by the seating systems. The agency concluded earlier in this rulemaking procedure that compartmentalization provides satisfactory protection and that a requirement for belts without the assurance of proper supervision of their use would not be an effective means of providing occupant protection. PAS has not provided data or arguments that would modify this conclusion, and its request is therefore denied.

PAS, relying on testing undertaken at the University of California at Los Angeles in 1967 and 1969, argued that a vertical seat back height of 24 inches above the seating reference point (SRP) is necessary to afford adequate protection against occupant injury. The NHTSA, as noted in its fourth Notice of school bus crash protection, based its 20-inch requirement on newer data generated in dynamic and static testing by AMF Corporation of prototype seats designed to meet the proposed requirements of the standard ("Development of a Unitized School Bus", DOT-HS-400969). While the NHTSA does not dispute that a properly constructed, higher seat back provides more protection than a lower seat back, the data support the agency's determination that the 20-inch seat back provides a reasonable level of protection. School bus accident data do not provide substantial evidence of a whiplash injury experience that could justify a 4-inch increase in seat back height. For this reason, the seat back height is made final as proposed.

Several commenters objected to applicability of the standard to school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less (light school buses), asserting that the special requirements of the standard for those buses were inappropriate, or unachievable within the 9-month leadtime for compliance mandated by the Act.

Chrysler Corporation requested exclusion of light school buses from this standard for an indefinite period, and Ford Motor Company requested that essentially the same package of standards as already are provided in its van-type multipurpose passenger vehicles and school bus models be required in the future, with no additional protection. Both companies believe that the relatively small numbers of their vehicles sold as school buses would have to be withdrawn from the market because of the expense of tooling new seating that offers more crash protection than present seating. Wayne Corporation manufactures a light school bus that is not based on a van-type vehicle, and requested that seats used in its larger models be permitted in smaller models, along with seat belts that comply with Standard No. 209.

The Congressional direction to issue standards for school bus seating systems (15 U.S.C. § 1392(i)(1)(A)(iv)) implies that existing seating and occupant crash protection standards are insufficient for vehicles that carry school children. The NHTSA has proposed a combination of requirements for light school buses that differ from those for heavier buses, because the crash pulse experienced by smaller vehicles is more severe than that of larger vehicles in similar collisions. The standard also specifies adequate numbers of seat belts for the children that the vehicle would carry, because such restraints are necessary to provide adequate crash protection in small vehicles. The requirements applicable to light school buses are considered reasonable, and are therefore included in the final rule as proposed.

In Wayne's case, it is not clear why the seat it has developed for heavier school buses will not serve in its smaller school buses. Seat belts may need to be attached to the floor to support the force specified by Standard No. 210 for anchorages. Also, some interior padding may be necessary to meet the vehicle impact zone requirements of S5.3.1.1(a).

Sheller-Globe Corporation (Sheller) and Wayne considered unreasonable the standard's limitation on maximum distance between a seat's SRP and the rear surface of the seat or restraining barrier forward of the SRP (S5.2). The limitation exists to minimize the distance an occupant travels before forward motion is arrested by the padded structure that compartmentalizes the occupant. The two bus manufacturers contend that they must also comply with State requirements for a minimum distance between seats that results in only 1 inch of tolerance in seating placement.

Section 103(d) of the National Traffic and Motor Vehicle Safety Act provides in part:

> (d) Whenever a Federal motor vehicle safety standard * * * is in effect, no State or political subdivision of a State shall have any authority either to establish or continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard.

It is the opinion of the NHTSA that any State requirement relating to seat spacing, other than one identical to the Federal requirement for maximum spacing of 20 inches from the SRP, is preempted under § 103(d), 15 U.S.C. § 1392(d).

Sheller advocated wider seat spacing for activity buses, because seats are occupied for longer periods of time on road trips. The NHTSA, noting that activity buses are often used on the open highway at high speeds for long periods of time, requests comments on the advisability of specifying a seat belt requirement in place of the seat spacing requirement in the case of these buses.

Much of Sheller and Wayne's concern over tolerances may stem from a misunderstanding of the meaning of "seating reference point" (SRP). As defined by the NHTSA (49 CFR 571.3), the SRP is essentially the manufacturer's design reference point which simulates the pivot center of the human torso and thigh, located in accordance with the SAE Standard J826. Thus the manufacturer calculates, on its seat design seen in side projected view, the pivot center of the human torso and thigh of the potential seat occupant, and then establishes a design reference point that simulates the location of the actual pivot center. The NHTSA has interpreted that this design reference point may be fixed by the manufacturer with reference to the seating structure to simplify calculation of its location in a bus for purposes of measurement and compliance.

Sheller also requested that the "seat performance forward" testing be simplified by eliminating the 8-inch range of locations at which the lower loading bar can be applied against the seat back. As noted in the preamble to Notice 4 of this docket in response to a similar request from Blue Bird Body Company, the NHTSA declines to make this restriction, to discourage the addition of a narrow 2-inch wide structural member at this point simply to meet the requirement. This reasoning remains valid and Sheller's request is denied.

Sheller also asked that the requirement for forward-facing seats be eliminated from the standard, in view of the practice of installing side-facing seats in some buses for handicapped students. The NHTSA designed the seating system in this standard for protection from fore and aft crash forces, and considers it

necessary that the seats be forward-facing to achieve the objective of occupant protection. Comments are solicited on whether the provision of this protection in special vehicles is impractical.

The Vehicle Equipment and Safety Commission (VESC) asked for a minimum seat width of 13 inches for each designated seating position, noting that the standard's formula permits seating of 12.67 inches in width. The agency does not believe its standard will encourage seats narrower than those presently provided in school buses, but will watch for any indication that that is occurring. Action can be taken in the future if it appears that seating is being designed to be narrower than at present.

In consideration of the foregoing, a new motor vehicle safety Standard No. 222, *School Bus Seating and Crash Protection*, is added as § 571.222, of Part 571 of Title 49, Code of Federal Regulations, as set forth below.

Effective date: October 26, 1976. The effective date of this standard is established as 9 months after the date of its issuance, as required by the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, section 202 (15 U.S.C. 1397(l)(1)(A)).

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); § 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50).

Issued on January 22, 1976.

HOWARD J. DUGOFF,
Acting Administrator.

§ 571.222 School bus passenger seating and crash protection.

S1. *Scope.* This standard establishes occupant protection requirements for school bus passenger seating and restraining barriers.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers.

S3. *Application.* This standard applies to school buses.

S4. *Definitions.* "Contactable surface" means any surface within the zone specified in S.5.3.1.1 that is contactable from any direction by the test device described in S6.6, except any surface on the front of a seat back or restraining barrier 3 inches or more below the top of the seat back or restraining barrier.

"School bus passenger seat" means a seat, other than the driver's seat, in a school bus.

S4.1 The number of seating positions considered to be in a bench seat is expressed by the symbol W, and calculated as the bench width in inches divided by 15 and rounded to the nearest whole number.

S5. *Requirements.* (a) Each vehicle with a gross vehicle weight rating of more than 10,000 pounds shall be capable of meeting any of the requirements set forth under this heading when tested under the conditions of S6. However, a particular school bus passenger seat (i.e., test specimen) in that weight class need not meet further requirements after having met S5.1.2 and S5.1.5, or having been subjected to either S5.1.3, S5.1.4, or S5.3.

(b) Each vehicle with a gross vehicle weight rating of 10,000 pounds or less shall be capable of meeting the following requirements at all seating positions other than the driver's seat: (1) The requirements of §§ 571.208, 571.209, and 571.210 (Standard Nos. 208, 209, and 210) as they apply to multipurpose passenger vehicles; and (2) the requirements of S5.1.2, S5.1.3, S5.1.4, S5.1.5, and S5.3 of this standard. However, the requirements of Standard Nos. 208 and 210 shall be met at W seating positions in a bench seat using a body block as specified in Figure 2 of this standard, and a particular school bus passenger seat (i.e., a test specimen) in that weight class need not meet further requirements after having met S5.1.2 and S5.1.5, or having been subjected to either S5.1.3, S5.1.4, S5.3, or § 571.210 (Standard No. 210).

S5.1 *Seating requirements.* School bus passenger seats shall be forward facing.

S5.1.1 [Reserved]

S5.1.2 *Seat back height and surface area.* Each school bus passenger seat shall be equipped with a seat back that, in the front projected view, has a front surface area above the horizontal plane that passes through the seating reference point, and below the horizontal plane 20 inches above the seating reference point, of not less than 90 percent of the sea bench width in inches multiplied by 20.

S5.1.3 *Seat performance forward.* When a school bus passenger seat that has another seat behind it is subjected to the application of force as specified in S5.1.3.1 and S5.1.3.2, and subsequently, the application of additional force to the seat back as specified in S.5.1.3.3 and S5.1.3.4:

(a) The seat back force/deflection curve shall fall within the zone specified in Figure 1;

(b) Seat back deflection shall not exceed 14 inches; (for determination of (a) and (b) the force/deflection curve describes only the force applied through the upper loading bar, and only the forward travel of the pivot attachment point of the upper loading bar, measured from the point at which the initial application of 10 pounds of force is attained.)

(c) The seat shall not deflect by an amount such that any part of the seat moves to within 4 inches of any part of another school bus passenger seat or restraining barrier in its originally installed position;

(d) The seat shall not separate from the vehicle at any attachment point; and

(e) Seat components shall not separate at any attachment point.

S5.1.3.1 Position the loading bar specified in S6.5 so that it is laterally centered behind the seat back with the bar's longitudinal axis in a transverse plane of the vehicle and in any horizontal plane between 4 inches above and 4 inches below the seating reference point of the school bus passenger seat behind the test specimen.

S5.1.3.2 Apply a force of 700W pounds horizontally in the forward direction through the loading bar at the pivot attachment point. Reach the specified load in not less than 5 nor more than 30 seconds.

S5.1.3.3 No sooner than 1.0 second after attaining the required force, reduce that force to 350W pounds and, while maintaining the pivot point position of the first loading bar at the position where the 350W pounds is attained, position a second loading bar described in S6.5 so that it is laterally centered behind the seat back with the bar's longitudinal axis in a transverse plane of the vehicle and in the horizontal plane 16 inches above the seating reference point of the school bus passenger seat behind the test specimen, and move the bar forward against the seat back until a force of 10 pounds has been applied.

S5.1.3.4 Apply additional force horizontally in the forward direction through the upper bar until 4,000W inch-pounds of energy have been absorbed in deflecting the seat back (or restraining barrier). Apply the additional load in not less than 5 seconds nor more than 30 seconds.

S5.1.4 *Seat performance rearward.* When a school bus passenger seat that has another seat behind it is subjected to the application of force as specified in S5.1.4.1 and S5.1.4.2:

(a) Seat back force shall not exceed 2,200 pounds;

(b) Seat back deflection shall not exceed 8 inches; (For determination of (a) and (b) the force/deflection curve describes only the force applied through the loading bar, and only the rearward travel of the pivot attachment point of the loading bar, measured from the point at which the initial application of 50 pounds of force is attained.

(c) The seat shall not deflect by an amount such that any part of the seat moves to within 4 inches of any part of another passenger seat in its originally installed position;

(d) The seat shall not separate from the vehicle at any attachment point; and

(e) Seat components shall not separate at any attachment point.

S5.1.4.1 Position the loading bar described in S6.5 so that it is laterally centered forward of the seat back with the bar's longitudinal axis in a transverse plane of the vehicle and in the horizontal plane 13.5 inches above the seating reference point of the test specimen, and move the loading bar rearward against the seat back until a force of 50 pounds has been applied.

S5.1.4.2 Apply additional force horizontally rearward through the loading bar until 2,800W inch-pounds of energy has been absorbed in deflecting the seat back. Apply the additional load in not less than 5 seconds nor more than 30 seconds.

S5.1.5 *Seat cushion retention.* In the case of school bus passenger seats

equipped with seat cushions, with all manual attachment devices between the seat and the seat cushion in the manufacturer's designed position for attachment, the seat cushion shall not separate from the seat at any attachment point when subjected to an upward force of five times the seat cushion weight, applied in any period of not less than 1 nor more than 5 seconds, and maintained for 5 seconds.

S5.2 *Restraining barrier requirements.* Each vehicle shall be equipped with a restraining barrier forward of any designated seating position that does not have the rear surface of another school bus passenger seat within 20 inches of its seating reference point, measured along a horizontal longitudinal line through the seating reference point in the forward direction.

S5.2.1 *Barrier-seat separation.* The horizontal distance between the restraining barrier's rear surface and the seating reference point of the seat in front of which it is required shall be not more than 20 inches, measured along a horizontal longitudinal line through the seating reference point in the forward direction.

S5.2.2 *Barrier position and rear surface area.* The position and rear surface area of the restraining barrier shall be such that, in a front projected view of the bus, each point of the barrier's perimeter coincides with or lies outside of the perimeter of the seat back of the seat for which it is required.

S5.2.3 *Barrier performance forward.* When force is applied to the restraining barrier in the same manner as specified in S5.1.3.1 through S5.1.3.4 for seating performance tests:

(a) The restraining barrier force/deflection curve shall fall within the zone specified in Figure 1;

(b) Restraining barrier deflection shall not exceed 14 inches; (For computation of (a) and (b) the force/deflection curve describes only the force applied through the upper loading bar, and only the forward travel of the pivot attachment point of the loading bar, measured from the point at which the initial application of 10 pounds of force is attained.)

(c) Restraining barrier deflection shall not interfere with normal door operation;

(d) The restraining barrier shall not separate from the vehicle at any attachment point; and

(e) Restraining barrier components shall not separate at any attachment point.

S5.3 *Impact zone requirements.*

S5.3.1. *Head protection zone.* Any contactable surface of the vehicle within any zone specified in S5.3.1.1 shall meet the requirements of S5.3.1.2 and S5.3.1.3. However, a surface area that has been contacted pursuant to an impact test need not meet further requirements contained in S5.3.

S5.3.1.1 The head protection zones in each vehicle are the spaces in front of each school bus passenger seat which, in relation to that seat and its seating reference point, are enclosed by the following planes;

(a) Horizontal planes 12 inches and 40 inches above the seating reference point;

(b) A vertical longitudinal plane tangent to the inboard (aisle side) edge of the seat;

(c) A vertical longitudinal plane 3.25 inches inboard of the outboard edge of the seat, and

(d) Vertical transverse planes through and 30 inches forward of the reference point.

S5.3.1.2 *Head form impact requirement.* When any contactable surface of the vehicle within the zones specified in S5.3.1.1 is impacted from any direction at 22 feet per second by the head form described in S6.6, the axial acceleration at the center of gravity of the head form shall be such that the expression

$$\left[\frac{1}{t_2-t_1}\int_{t_1}^{t_2} a\,dt\right]^{2.5}(t_2-t_1)$$

shall not exceed 1,000 where a is the axial acceleration expressed as a multiple of g (the acceleration due to gravity), and t_1 and t_2 are any two points in time during the impact.

S5.3.1.3 *Head form force distribution.* When any contactable surface of the vehicle within the zones specified in S5.3.1.1 is impacted from any direction at 22 feet per second by the head form described in S6.6, the energy necessary to deflect the impacted material shall be not less than 40 inch-pounds before the force level on the head form exceeds 150 pounds. When any contactable surface within such zones is impacted by the head form from any direction at 5 feet per second, the contact area on the head form surface shall be not less than 3 square inches.

S5.3.2 *Leg protection zone.* Any part of the seat backs or restraining barriers in the vehicle within any zone specified in S5.3.2.1 shall meet the requirements of S5.3.2.2.

S5.3.2.1. The leg protection zones of each vehicle are those parts of the school bus passenger seat backs and restraining barriers bounded by horizontal planes 12 inches above and 4 inches below the seating reference point of the school bus passenger seat immediately behind the seat back or restraining barrier.

S5.3.2.2. When any point on the rear surface of that part of a seat back or restraining barrier within any zone specified in S5.3.2.1 is impacted from any direction at 16 feet per second by the knee form specified in S6.7, the resisting force of the impacted material shall not exceed 600 pounds and the contact area on the knee form surface shall not be less than 3 square inches.

S6. *Test conditions.* The following conditions apply to the requirements specified in S5.

S6.1 *Test surface.* The bus is at rest on a level surface.

S6.2 *Tires.* Tires are inflated to the pressure specified by the manufacturer for the gross vehicle weight rating.

S6.3 *Temperature.* The ambient temperature is any level between 32 degrees F. and 90 degrees F.

S6.4 *Seat back position.* If adjustable, a seat back is adjusted to its most upright position.

S6.5 *Loading bar.* The loading bar is a rigid cylinder with an outside diameter of 6 inches that has hemispherical ends with radii of 3 inches and with a surface roughness that does not exceed 63 micro-inches, root mean square. The length of the loading bar is 4 inches less than the width of the seat back in each test. The stroking mechanism applies force through a pivot attachment at the centerpoint of the loading bar which allows the loading bar to rotate in a horizonal plane 30 degrees in either direction from the transverse position.

S6.5.1 A vertical or lateral force of 4,000 pounds applied externally through the pivot attachment point of the loading bar at any position reached during a test specified in this standard shall not deflect that point more than 1 inch.

S6.6 *Head form.* The head form for the measurement of acceleration is a rigid surface comprised of two hemispherical shapes, with total equivalent weight of 11.5 pounds. The first of the two hemispherical shapes has a diameter of 6.5 inches. The second of the two hemispherical shapes has a 2 inch diameter and is centered as shown in Figure 3 to protrude from the outer surface of the first hemispherical shape. The surface roughness of the hemispherical shapes does not exceed 63 micro-inches, root mean square.

S6.6.1 The direction of travel of the head form is coincidental with the straight line connecting the centerpoints of the two spherical outer surfaces which constitute the head form shape.

S6.6.2 The head form is instrumented with an acceleration sensing device whose output is recorded in a data channel that conforms to the requirements for a 1,000 Hz channel class as specified in SAE Recommended Practice J211a, December 1971. The head form exhibits no resonant frequency below three times the frequency of the channel class. The axis of the acceleration sensing device coincides with the straight line connecting the centerpoints of the two hemispherical outer surfaces which constitute the head form shape.

S6.6.3 The head form is guided by a stroking device so that the direction of travel of the head form is not affected by impact with the surface being tested at the levels called for in the standard.

S6.7 *Knee form.* The knee form for measurement of force is a rigid 3-inch-diameter cylinder, with an equivalent weight of 10 pounds, that has one rigid hemispherical end with a 1½ inch radius forming the contact surface of the knee form. The hemispherical surface roughness does not exceed 63 micro-inches, root mean square.

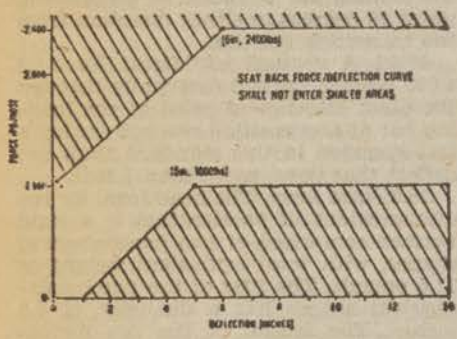
S6.7.1 The direction of travel of the knee form is coincidental with the centerline of the rigid cylinder.

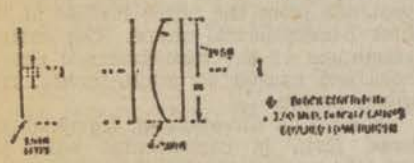
S6.7.2 The knee form is instrumented with an acceleration sensing device whose output is recorded in a data channel that conforms to the requirements of a 600 Hz channel class as specified in the SAE Recommended Practice J211a, December 1971. The knee form exhibits no resonant frequency below three times the frequency of the channel class. The axis of the acceleration sensing device is

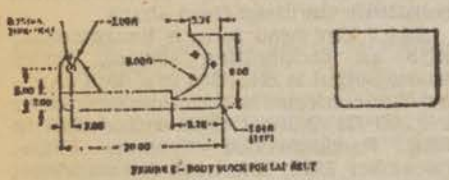
aligned to measure acceleration along the centerline of the cylindrical knee form.

S6.7.3 The knee form is guided by a stroking device so that the direction of travel of the knee form is not affected by impact with the surface being tested at the levels called for in the standard.

S6.8 The head form, knee form, and contactable surfaces are clean and dry during impact testing.







HEMISPHERICAL HEAD FORM RADII

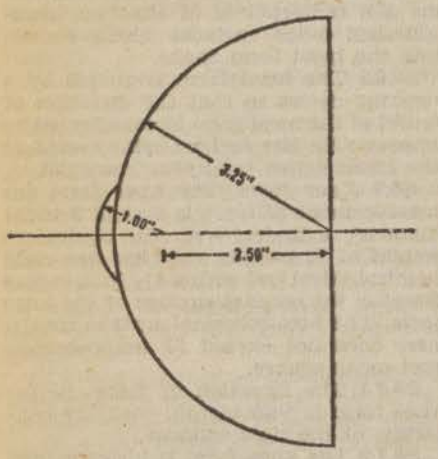


FIGURE 3

[FR Doc.75-27022 Filed 10-3-75;4:00 pm]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

The following special regulation is issued and is effective.

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is authorized in the open portion of Crab Orchard Lake and Little Grassy Lake delineated as Areas I and III, except at designated areas. These designated "No Swimming" areas include but are not limited to: Marina Areas, Boat Docks, Boat Ramps, Spillways, Dams and Causeways. Swimming is not authorized in the closed portion of Crab Orchard Lake delineated as Area II. Swimming is not authorized at Devils Kitchen Lake, except at the Campground Beach.

(2) All flotation devices such as inner tubes, air mattresses, and similar devices not worn by the person, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Lookout Point, Crab Orchard Beach, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway and Spillway parking lot and picnic areas are closed to unauthorized use from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Motor vehicle entry to all refuge campgrounds is prohibited from 11 p.m. until 7 a.m., local time, during the period said campground is open to the public.

(6) Quiet shall be maintained in all refuge campgrounds between 10 p.m. and 6 a.m., local time.

(7) Alcoholic liquor may not be transported, carrier or possessed on any boat propelled by sail or mechanical power, except in the original package and with the seal unbroken, while the craft is in operation on refuge waters.

(8) No marine head (toilet) on any boat or watercraft operated upon refuge waters may be so constructed or operated as to discharge any sewage into the waters directly or indirectly.

(9) The drinking or possession of alcoholic liquor by minors, as defined by State law, is prohibited on the refuge area.

(10) No person shall transport, carry, possess or have any alcoholic liquor in or upon any motor vehicle except in the original package and with the seal unbroken while on the refuge area.

(11) The use of boats with a motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and Little Grassy Lake.

(12) Visitors must be attired in appropriate attire while on the refuge. Public nudity or topless attire by females is prohibited.

(13) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants, or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the area concerned are adopted and made a part hereof.

(14) Camping, defined as the use of tent caps, bedrolls, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is prohibited except at the Devils Kitchen Campground, Little Grassy Campground, Crab Orchard Lake Campground and the Marion Boat Club Campground.

(15) Boats will not be moored to the shoreline of the refuge lakes in excess of 24 hours, except at authorized, concessionaire operated boat docks and campgrounds.

The provisions of this notice supplement the regulations which govern public access, use, and recreation on wildlife refuge area generally which are set forth in 50 CFR Part 28 and are effective through December 31, 1976.

Dated: January 20, 1976.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Illinois.

[FR Doc.76-2444 Filed 1-27-76;8:45 am]

CHAPTER V—MARINE MAMMAL COMMISSION

PART 510—IMPLEMENTATION OF THE FEDERAL ADVISORY COMMITTEE ACT

Correction

In FR Doc. 76-1923, appearing at page 3306 in the FEDERAL REGISTER for Thursday, January 22, 1976, in § 510.4(a), 6th line, the second word which now reads "approved" should read "approval".

PART 520—PUBLIC AVAILABILITY OF AGENCY MATERIALS

Freedom of Information Act; Implementation

Correction

In FR Doc. 76-1924, appearing at page 3307 in the issue for Thursday, January 22, 1976, on page 3308, in § 520.7, the first paragraph should be designated as paragraph "(a)".

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 AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Determination To Be Made With Respect to the Supply of Any Type or Types of Peanuts for 1976–77 Marketing Year

Pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1976–77 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c)(2) of the Act, as amended, reads in part as follows:

> Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county or farm acreage allotments.

Prior to determining whether the supply of any type or types of peanuts for the 1976–77 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to data, views and recommendations relating thereto which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To be sure of consideration, any such submission must be postmarked not later than February 27, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 22, 1976.

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

[FR Doc.76–2427 Filed 1–27–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 10, 27, 51 and 53]

[Docket No. 75P–0166]

DRAINED WEIGHTS FOR PROCESSED FRUITS AND VEGETABLES

Standards of Fill of Container and Label Statement; Extension of Time for Comment

The Food and Drug Administration (FDA) is extending the comment period to May 5, 1976, on the proposal to require label declaration of drained weight of canned fruit and vegetable products.

FDA issued a proposal in the FEDERAL REGISTER of November 7, 1975 (40 FR 52172), to require label declaration of the drained weight of canned fruit and vegetable products and to establish minimum average drained weight requirements for most of these products. Interested persons were given until February 5, 1976, to submit comments on the proposal.

The Commissioner of Food and Drugs received a request dated January 12, 1976, from the National Canners Association (NCA), 1133 20th St. NW., Washington, D.C. 20036, for an extension of the comment period. In their letter, NCA asserted that the collection, collation, and analysis of data bearing on the proposal is a time-consuming task and that, while this activity is progressing steadily, no overall compilation can be obtained or reliable data developed by the close of the comment period on February 5, 1976. NCA stated that their efforts have been hampered by the holiday season and the preparation for, and the staff conduct of, the NCA annual convention to be held on January 20 through 23, 1976, and that ". . . it is both reasonable and necessary to extend the comment period an additional 90 days to permit as full data as it will be possible to obtain to be presented for final decision." The written request is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

Good reason therefor appearing, the Commissioner hereby extends the period for filing comments on this proposal to May 5, 1976.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403, 701, 52 Stat. 1041, 1046–1048, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(n), 341, 343, 371)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 21, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–2428 Filed 1–27–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–WA–25]

DESIGNATION OF OFF SHORE TRANSITION AREAS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two 700-foot transition areas over the Gulf of Mexico.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before February 27, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public

Information Center, AIS–230, 800 Independence Avenue SW., Washington, D.C. 20591.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex II apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed to Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would designate the airspace extending upward from 700 feet above the surface within a five mile radius of coordinate Lat. 28° 53'00" N., Long. 94°43'00" W., and the airspace extending upward from 700 feet above the surface within five mile radius of coordinates Lat. 29°15'53.2" N., Long. 94°08'46.9" W., as transition areas.

A requirement exists to contain arriving IFR helicopters executing instrument approach procedures within controlled airspace until they encounter VFR flight conditions prior to or at a point 700 feet above the surface within the area described.

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

Issued in Washington, D.C., on January 21, 1976.

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

[FR Doc.76–2417 Filed 1–27–76;8:45 am]

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

Correction

In FR Doc. 76–579 appearing at page 2022 in the issue for Tuesday, January 13, 1976, the comment closing date appearing on page 2024, the middle column, the next to last paragraph, the seventh line, which presently reads "February 23, 1976" should read "February 27, 1976".

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg Y]

AUTOMOBILE LEASING

Order Scheduling Oral Presentation in Proceeding To Consider Continue Permissible Activity for Bank Holding Companies

On November 11, 1975, the Board issued a notice of proposed rulemaking to consider whether and under what conditions bank holding companies should be permitted to continue to engage in automobile leasing activities under the provisions of § 225.4(a)(6)(a) of the Board's Regulation Y, 12 CFR 225.4(a)(6)(a). The Board invited and has received comments from interested parties. In response to requests made by several interested parties for an opportunity to present their views orally, and in response to other requests for a delay in the proceeding, the Board has adopted the following procedures.

(1) The Board will accept and consider all statements, position papers and written submissions from any participant that has commented or requested additional time to comment on the rulemaking provided that such statetments are submitted to the Office of the Secretary by March 15, 1976.

(2) Those participants who notify the Secretary by February 20, 1976, and those who have already notified the Secretary will be scheduled to make an oral presentation before available Board members on Tuesday, March 23, 1976, at the Board's offices, 20th & Constitution Avenue, N.W., Washington, D.C. The hearing will be open to the public.

(3) Those participantts who wish to make an oral presentation should submit the names and identities of their witnesses by February 20, 1976, and they should indicate the amount of time (normally not to exceed one hour) they request for oral presentation. A schedule will be provided by March 1, 1976. Parties to the oral hearing should provide the Board and all other patries with a statetment or summary of their oral testimony by March 15, 1976.

(4) Following the oral presentation, the Board will accept from any party additional material related to issues raised at the oral presentation, provided that such material is submitted to the Office of the Secretary by April 23, 1976.

(5) A preliminary list of parties who will make an oral presentation includes representatives of the National Automobile Dealers Association, Southern California Rental and Leasing Association, Car and Truck Renting and Leasing Association, Southwest Leasing Corporation, Beverly Hills, California (on behalf of 17 leasing companies), Consumer Bankers Association and Orbanco, Inc., Portland, Oregon.

The Board believes the procedures outlined herein will provide all interested parties with a full opportunity to express their views and to submit relevant evidence concerning the proposed rulemaking. The Board further believes that the issues to be considered in this proceeding will involve legislative rather than adjudicative facts. For this reason and because the Bank Holding Company Act does not require a formal trial-type hearing in rulemaking proceedings under section 4(c)(8), 12 U.S.C. 1843(c)(8), the Board declines to conduct a formal hearing, as requested by the National Automobile Dealers Association.

The Board also declines to postpone the hearing in this proceeding pending final Congressional action on the Consumer Leasing Act (H.R. 8835 and S. 1691) as requested by several parties.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–2462 Filed 1–27–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34–12017, File No. S7–604]

REGULATION OF MUNICIPAL SECURITIES PROFESSIONALS AND TRANSACTIONS IN MUNICIPAL SECURITIES

Proposed Rulemaking

As published at 40 FR 60084 (December 31, 1975), the Commission published for comment proposed amendments and rules concerning the regulation of municipal securities brokers, municipal securities dealers, and transactions in municipal securities as well as reporting requirements for the Municipal Securities Rulemaking Board. Concurrently with the publication of the proposed amendments and rules, the Commission also adopted § 240.23a–1(T) under the Act, which suspended, until March 1, 1976, the operation of certain Commission rules, under specified conditions, in

order to prevent the application of those rules to the activities of those municipal securities professionals who otherwise would have become subject to those rules for the first time on December 1, 1975, pending consideration of the proposed amendments. The time period specified for the submission of public comments expired on January 15, 1976.

In addition, while the release text indicated that § 240.15c2-5 would be extended to municipal securities dealers, the proposed text of the rule inadvertently omitted the applicable language. The rule, as proposed to be amended, should read as follows:

§ 240.15c2-5 Disclosure and other requirements when extending or arranging credit in certain transactions.

(a) It shall constitute a "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act for any broker, dealer or municipal securities dealer to offer or sell any security to, or to attempt to induce the purchase of any security by, any person, in connection with which such broker, dealer or municipal securities dealer, directly or indirectly offers to extend any credit to or to arrange any loan for such person, or extends to or participates in arranging any loan for such person, unless such broker, dealer or municipal securities dealer, before any purchase, loan or other related element of the transaction is entered into:

(1) Delivers to such person a written statement setting forth the exact nature and extent of (i) such person's obligations under the particular loan arrangement, including, among other things, the specific charges which such person will incur under such loan in each period during which the loan may continue or be extented, (ii) the risks and disadvantages which such person will incur in the entire transaction, including the loan arrangement, (iii) all commissions, discounts, and other remuneration received and to be received, in connection with the entire transaction including the loan arrangement, by the broker, dealer or municipal securities dealer, by any person controlling, controlled by, or under common control with the broker, dealer or municipal securities dealer, and by any other person participating in the transaction: *Provided, however,* That the broker, dealer or municipal securities dealer shall be deemed to be in compliance with this subparagraph if the customer, before any purchase, loan or other related element of the transaction is entered into in a manner legally binding upon the customer, receives a statement from the lender, or receives a prospectus or offering circular from the broker, dealer or municipal securities dealer, which statement, prospectus or offering circular contains the information requirement by this subparagraph; and

(2) No change.

(b) No change.

(c) Subparagraph (2) of paragraph (a) of this rule shall not apply to any offer to extend credit or arrange any loan, in connection with any offer or sale, or attempt to induce the purchase, of any municipal security as defined in Section 3(a)(29) of the Act.

Because of the length and complexity of the proposed rules and requests for extension of the time within which comments may be submitted, the Commission has determined that interested persons should be given additional time to study the Release and submit comments thereon. Therefore, the time period for submitting comments on the proposed rules is extended to February 9, 1976. All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before February 9, 1976. All such comments should refer to File No. S7-604 and will be available for public inspection in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 14, 1976.

[FR Doc.76-2433 Filed 1-27-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 4]

SCHEDULE FOR RATING DISABILITIES

Proposed Regulatory Development

The Administrator of Veterans' Affairs proposes to amend Part 4 of Title 38, Code of Federal Regulations, Schedule for Rating Disabilities.

In accordance with the authority vested in him by the law, 38 U.S.C. 355, to readjust the schedule of ratings in accordance with experience, the Administrator proposes to update the Schedule for Rating Disabilities to reflect increased evaluations for lupus erythematosus, phlebitis or thrombophlebitis, cirrhosis and abscess of the liver, ventral hernia and postoperative abdominal wounds and fistula of the urethra. In addition, new rating codes and criteria have been established for new growths, both malignant and benign, of the muscles and for vagotomy with phyloroplasty or gastroenterostomy. Also, the criteria for intervertebral disc syndrome, tinnitus and intermittent claudication have been revised.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans' Affairs, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before February 27, 1976, will be considered. All written comments received will be available for public inspection at above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays), during the mentioned 30 days and for 10 days thereafter. Any person visiting the Veterans Administration Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room number 132. Such visitors to any field station will be informed that the records are available for inspection only at VA Central Office and furnished the address and room number.

Notice is given the amendment to the Schedule for Rating Disabilities would be effective the date of final approval.

1. Sections 4.1 and 4.2 are revised to read as follows:

§ 4.1 Essentials of evaluative rating.

This rating schedule is primarily a guide in the evaluation of disability resulting from all types of diseases and injuries encountered as a result of or incident to military service. The percentage ratings represent as far as can practicably be determined the average impairment in earning capacity resulting from such diseases and injuries and their residual conditions in civil occupations. Generally, the degrees of disability specified are considered adequate to compensate for considerable loss of working time from exacerbations or illnesses proportionate to the severity of the several grades of disability. For the application of this schedule, accurate and fully descriptive medical examinations are required, with emphasis upon the limitation of activity imposed by the disabling condition. Over a period of many years, a veteran's disability claim may require reratings in accordance with changes in laws, medical knowledge and his or her physical or mental condition. It is thus essential, both in the examination and in the evaluation of disability, that each disability be viewed in relation to its history.

§ 4.2 Interpretation of examination reports.

Different examiners, at different times, will not describe the same disability in the same language. Features of the disability which must have persisted unchanged may be overlooked or a change for the better or worse may not be accurately appreciated or described. It is the responsibility of the rating specialist to interpret reports of examination in the light of the whole recorded history, reconciling the various reports into a consistent picture so that the current rating may accurately reflect the elements of disability present. Each disability must be considered from the point of view of the veteran working or seeking work. If a diagnosis is not supported by the findings on the examination report or if the report does not contain sufficient detail, it is incumbent upon the rating board to return the report as inadequate for evaluation purposes.

2. Sections 4.9 and 4.10 are revised to read as follows:

§ 4.9 Congenital or developmental defects.

Mere congenital or developmental defects, absent, displaced or supernumerary parts, refractive error of the eye, personality disorder and mental deficiency are not diseases or injuries in the meaning of applicable legislation for disability compensation purposes.

§ 4.10 Functional impairment.

The basis of disability evaluations is the ability of the body as a whole, or of the psyche, or of a system or organ of the body to function under the ordinary conditions of daily life including employment. Whether the upper or lower extremities, the back or abdominal wall, the eyes or ears, or the cardiovascular, digestive, or other system, or psyche are affected, evaluations are based upon lack of usefulness, of these parts or systems, especially in self-support. This imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity. In this connection, it will be remembered that a person may be too disabled to engage in employment although he or she is up and about and fairly comfortable at home or upon limited activity.

3. Section 4.21 is revised to read as follows:

§ 4.21 Application of rating schedule.

In view of the number of atypical instances it is not expected, especially with the more fully described grades of disabilities, that all cases will show all the findings specified. Findings sufficiently characteristic to identify the disease and the disability therefrom, and above all, coordination of rating with impairment of function will, however, be expected in all instances.

4. Sections 4.23, 4.24 and 4.25 are revised to read as follows:

§ 4.23 Attitude of rating officers.

It is to be remembered that the majority of applicants are disabled persons who are seeking benefits of law to which they believe themselves entitled. In the exercise of his or her functions, rating officers must not allow their personal feelings to intrude; an antagonistic, critical, or even abusive attitude on the part of a claimant should not in any instance influence the officers in the handling of the case. Fairness and courtesy must at all times be shown to applicants by all employees whose duties bring them in contact, directly or indirectly, with the Administration's claimants.

§ 4.24 Correspondence.

All correspondence relative to the interpretation of the schedule for rating disabilities, requests for advisory opinions, questions regarding lack of clarity or application to individual cases involving unusual difficulties, will be addressed to the Director, Compensation and Pension Service. A clear statement will be made of the point or points upon which information is desired, and the complete case file will be simultaneously forwarded to Central Office. Rating agencies will assure themselves that the recent report of physical examination presents an adequate picture of the claimant's condition. Claims in regard to which the schedule evaluations are considered inadequate or excessive, and errors in the schedule will be similarly brought to attention.

§ 4.25 Combined ratings table.

Table I, Combined Ratings Table, results from the consideration of the efficiency of the individual as affected first by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity. Thus, a person having a 60 percent disability is considered 40 percent efficient. Proceeding from this 40 percent efficiency, the effect of a further 30 percent disability is to leave only 70 percent of the efficiency remaining after consideration of the first disability, or 28 percent efficiency altogether. The individual is thus 72 percent disabled, as shown in table I opposite 60 percent and under 30 percent. To use table I, the disabilities will first be arranged in the exact order of their severity, beginning with the greatest disability and then combined with use of table I as hereinafter indicated. For example, if there are two disabilities, the degree of one disability will be read in the left column and the degree of the other in the top row, whichever is appropriate. The figures appearing in the space where the column and row intersect will represent the combined value of the two. This combined value will then be converted to the nearest number divisible by 10, and combined values ending in 5 will be adjusted upward. Thus, with a 50 percent disability and a 30 percent disability, the combined value will be found to be 65 percent, but the 65 percent must be converted to 70 percent to represent the final degree of disability. Similarly, with a disability of 40 percent, and another disability of 20 percent, the combined value is found to be 52 percent, but the 52 percent must be converted to the nearest degree divisible by 10, which is 50 percent. If there are more than two disabilities, the disabilities will also be arranged in the exact order of their severity and the combined value for the first two will be found as previously described for two disabilities. This combined value, exactly as found in table I will be combined with the degree of the third disability (in order of severity). The combined value for the three disabilities will be found in the space where the column and row intersect, and if there are only three disabilities will be converted to the nearest degree divisible by 10; adjusting final 5's upward. Thus, if there are three disabilities ratable at 60 percent, 40 percent, and 20 percent, respectively, the combined value for the first two will be found opposite 60 and under 40 and is 76 percent. This 76 will be combined with 20 and the combined value for the three is 81 percent. This combined value will be converted to the nearest degree divisible by 10 which is 80 percent. The same procedure will be employed when there are four or more disabilities. (See table I.)

5. The combined ratings table immediately following § 4.25 is redesignated Table I, Combined Ratings Table. This table without change reads as follows:

TABLE I

COMBINED RATINGS TABLE

(10 combined with 10 is 19)

	10	20	30	40	50	60	70	80	90
19	27	35	43	51	60	68	76	84	92
20	28	36	44	52	60	68	76	84	92
21	29	37	45	53	61	68	76	84	92
22	30	38	45	53	61	69	77	84	92
23	31	38	46	54	62	69	77	85	92
24	32	39	47	54	62	70	77	85	92
25	33	40	48	55	63	70	78	85	93
26	33	41	48	56	63	70	78	86	93
27	34	42	49	56	64	71	78	86	93
28	35	42	50	57	64	71	78	86	93
29	36	43	50	57	65	72	79	86	93
30	37	44	51	58	65	72	79	86	93
31	38	45	52	59	66	72	79	86	93
32	39	46	52	59	66	73	80	86	93
33	40	46	53	60	67	73	80	87	93
34	41	47	54	60	67	74	80	87	93
35	42	48	55	61	68	74	81	87	94
36	42	49	55	62	68	74	81	87	94
37	43	50	56	62	69	75	81	87	94
38	44	50	57	63	69	75	81	88	94
39	45	51	57	63	70	76	82	88	94
40	46	52	58	64	70	76	82	88	94
41	47	53	59	65	71	76	82	88	94
42	48	54	60	65	71	77	83	88	94
43	49	54	60	66	72	77	83	89	94
44	50	55	61	66	72	78	83	89	94
45	51	56	62	67	73	78	84	89	95
46	51	57	62	68	73	78	84	89	95
47	52	58	63	68	74	79	84	89	95
48	53	58	64	69	74	79	84	90	95
49	54	59	64	69	75	80	85	90	95
50	55	60	65	70	75	80	85	90	95
51	56	61	66	71	76	80	85	90	95
52	57	62	66	71	76	81	86	90	95
53	58	62	67	72	77	81	86	91	95
54	59	63	68	72	77	82	86	91	95
55	60	64	69	73	78	82	87	91	96
56	60	65	69	74	78	82	87	91	96
57	61	66	70	74	79	83	87	91	96
58	62	66	71	75	79	83	87	92	96
59	63	67	71	75	80	84	88	92	96
60	64	68	72	76	80	84	88	92	96
61	65	69	73	77	81	84	88	92	96
62	66	70	73	77	81	85	89	92	96
63	67	70	74	78	82	85	89	93	96
64	68	71	75	78	82	86	89	93	96
65	69	72	76	79	83	86	90	93	97
66	69	73	76	80	83	86	90	93	97
67	70	74	77	80	84	87	90	93	97
68	71	74	78	81	84	87	90	94	97
69	72	75	78	81	85	88	91	94	97
70	73	76	79	82	85	88	91	94	97
71	74	77	80	83	86	88	91	94	97
72	75	78	80	83	86	89	92	94	97
73	76	78	81	84	87	89	92	95	97
74	77	79	82	84	87	90	92	95	97
75	78	80	83	85	88	90	93	95	98
76	78	81	83	86	88	90	93	95	98
77	79	82	84	86	89	91	93	95	98
78	80	82	85	87	89	91	93	96	98
79	81	83	85	87	90	92	94	96	98
80	82	84	86	88	90	92	94	96	98
81	83	85	87	89	91	92	94	96	98
82	84	86	87	89	91	93	95	96	98
83	85	86	88	90	92	93	95	97	98
84	86	87	89	90	92	94	95	97	98
85	87	88	90	91	93	94	96	97	99
86	87	89	90	92	93	94	96	97	99
87	88	90	91	92	94	95	96	97	99
88	89	90	92	93	94	95	96	98	99
89	90	91	92	93	95	96	97	98	99
90	91	92	93	94	95	96	97	98	99
91	92	93	94	95	96	97	98	99	99
92	93	94	94	95	96	97	98	98	99
93	94	94	95	96	97	97	98	99	99
94	95	95	96	96	97	98	98	99	99

6. Section 4.27 is revised to read as follows:

§ 4.27 Use of diagnostic code numbers.

The diagnostic code numbers appearing opposite the listed ratable disabilities are arbitrary numbers for the purpose of showing the basis of the evaluation assigned and for statistical analysis in the Veterans Administration, and as will be

observed, extend from 5000 to a possible 9999. Great care will be exercised in the selection of the applicable code number and in its citation on the rating sheet. No other numbers than these listed or hereafter furnished are to be employed for rating purposes, with an exception as described in this section, as to unlisted conditions. When an unlisted disease, injury, or residual condition is encountered, requiring rating by analogy, the diagnostic code number will be "built-up" as follows: The first 2 digits will be selected from that part of the schedule most closely identifying the part, or system, of the body involved; the last 2 digits will be "99" for all unlisted conditions. This procedure will facilitate a close check of new and unlisted conditions, rated by analogy. In the selection of code numbers, injuries will generally be represented by the number assigned to the residual condition on the basis of which the rating is determined. With diseases, preference is to be given to the number assigned to the disease itself; if the rating is determined on the basis of residual conditions, the number appropriate to the residual condition will be added, preceded by a hyphen. Thus, rheumatoid (atrophic) arthritis rated as ankylosis of the lumbar spine should be coded "5002–5289." In this way, the exact source of each rating can be easily identified. In the citation of disabilities on rating sheets, the diagnostic terminology will be that of the medical examiner, with no attempt to translate the terms into schedule nomenclature. Residuals of diseases or therapeutic procedures will not be cited without reference to the basic disease.

7. In § 4.29, paragraph (a) is revised and paragraph (f) is added so that the revised and added material reads as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

* * * * *

(a) Subject to the provisions of paragraphs (d) and (e) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service-connected disability or effective the last day of the month following release to non-bed care. A third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

* * * * *

(f) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need posthospital care and a prolonged period of convalescence will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this Chapter.

8. Section 4.30 is revised to read as follows:

§ 4.30 Convalescent ratings.

Subject to Veterans Administration regulations governing effective dates for increased benefits, where the report at hospital discharge indicates entitlement under paragraphs (a), (b), or (c) of this section, a total rating (100 percent) will be granted following hospital discharge (regular discharge or release to non-bed care), effective from the date of hospital admission and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge. These total ratings will be granted if the hospital treatment of the service-connected disability resulted in:

(a) Surgery necessitating posthospital convalescence. The initial grant of a total rating will be limited to 1 month, with one or two extensions of periods of 1 month each in exceptional cases.

(b) Surgery with severe postoperative residuals shown at hospital discharge, such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). Initial grants may be for 1, 2, or 3 months.

(c) Immobilization by cast, without surgery, of one major joint or more shown at hospital discharge or performed on an outpatient basis. Initial grants may be for 1, 2, or 3 months.

If the hospitalization is in excess of 21 days, the provisions of § 4.29 are for consideration. A reduction in the total rating will not be subject to § 3.105(e). The total rating will be followed by an open rating reflecting the appropriate schedular evaluation; where the evidence is inadequate to assign the schedular evaluation, a physical examination will be scheduled prior to the end of the total rating period. A total rating under this section will require full justification on the rating sheet. Extensions of periods of 1, 2, or 3 months beyond the initial 3 months may be made under paragraphs (b) or (c) of this section.

9. Section 4.46 is revised to read as follows:

§ 4.46 Accurate measurement.

Accurate measurement of the length of stumps, excursion of joints, dimensions and location of scars with respect to landmarks, should be insisted on. The use of a goniometer in the measurement of limitation of motion is indispensable in examinations conducted within the Veterans Administration. Muscle atrophy must also be accurately measured and reported.

§ 4.65 [Revoked]

10. Section 4.65 is revoked.

11. In § 4.71a, the following changes are made: (1) diagnostic codes 5002 (For chronic residuals only), 5003 (except Notes (1) and (2)), 5012, 5104, 5105, 5275, 5293, 5294, 5295 and 5296 are revised; (2) paragraph (e) following diagnostic code 5151 and paragraph (b) following diagnostic code 5223 are revised; (3) diagnostic codes 5100, 5101, 5102 and 5103 are revoked; and (4) Plate III, Bones of the Hand, is added immediately following diagnostic code 5156 and Plate IV, Bones of the Foot, is added immediately following diagnostic code 5174.

§ 4.71a Schedule of ratings—musculoskeletal system.

ACUTE, SUBACUTE, OR CHRONIC DISEASES

* * * * *

5002 Arthritis, rheumatoid (atrophic). *Rating*

* * * * *

For chronic residuals:

For residuals such as limitation of motion or ankylosis, favorable or unfavorable, rate under the appropriate diagnostic codes for the specific joints involved. Where, however, the limitation of motion of the specific joint or joints involved is noncompensable under the codes a rating of 10 percent is for application for each such major joint or group of minor joints affected by limitation of motion, to be combined, not added under diagnostic code 5002. Limitation of motion must be objectively confirmed by findings such as swelling, muscle spasm, or satisfactory evidence of painful motion.

NOTE. The ratings for the active process will not be combined with the residual ratings for limitation of motion or ankylosis. Assign the higher evaluation.

5003 Arthritis, degenerative (hypertrophis or osteoarthritis): Degenerative arthritis established by X-ray findings will be rated on the basis of limitation of motion under the appropriate diagnostic codes for the specific joint or joints involved. Where, however, the limitation of motion of the specific joint or joints involved is noncompensable under the appropriate diagnostic codes, a rating of 10 percent is for application for each such major joint or group of minor joints affected by limitation of motion, to be combined, not added under

		Rating
5003	Arthritis—Continued diagnostic code 5003. Limitation of motion must be objectively confirmed by findings such as swelling, muscle spasm, or satisfactory evidence of painful motion. In the absence of limitation of motion, rate as below:	
	With X-ray evidence of involvement of 2 or more major joints or 2 or more minor joint groups, with occasional incapacitating exacerbations	20
	With X-ray evidence of involvement of 2 or more major joints or 2 or more minor joint groups	10
5012	Bones, new growths of, malignant	100
	NOTE. The 100 percent rating will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.	

COMBINATIONS OF DISABILITIES

5100	[Revoked]	
5101	[Revoked]	
5102	[Revoked]	
5103	[Revoked]	
5104	Anatomical loss of one hand and loss of use of one foot	[1] 100
5105	Anatomical loss of one foot and loss of use of one hand	[1] 100

[1] Entitled to special monthly compensation.

MULTIPLE FINGER AMPUTATIONS

		Rating Major	Rating Minor
5151	Ring and little	30	20

(e) Combinations of finger amputations at various levels, or finger amputations with ankylosis or limitation of motion of the fingers will be rated on the basis of the grade of disability; i.e., amputation, unfavorable ankylosis, most representative of the levels or combinations. With an even number of fingers involved, and adjacent grades of disability, select the higher of the two grades.

SINGLE FINGER AMPUTATIONS

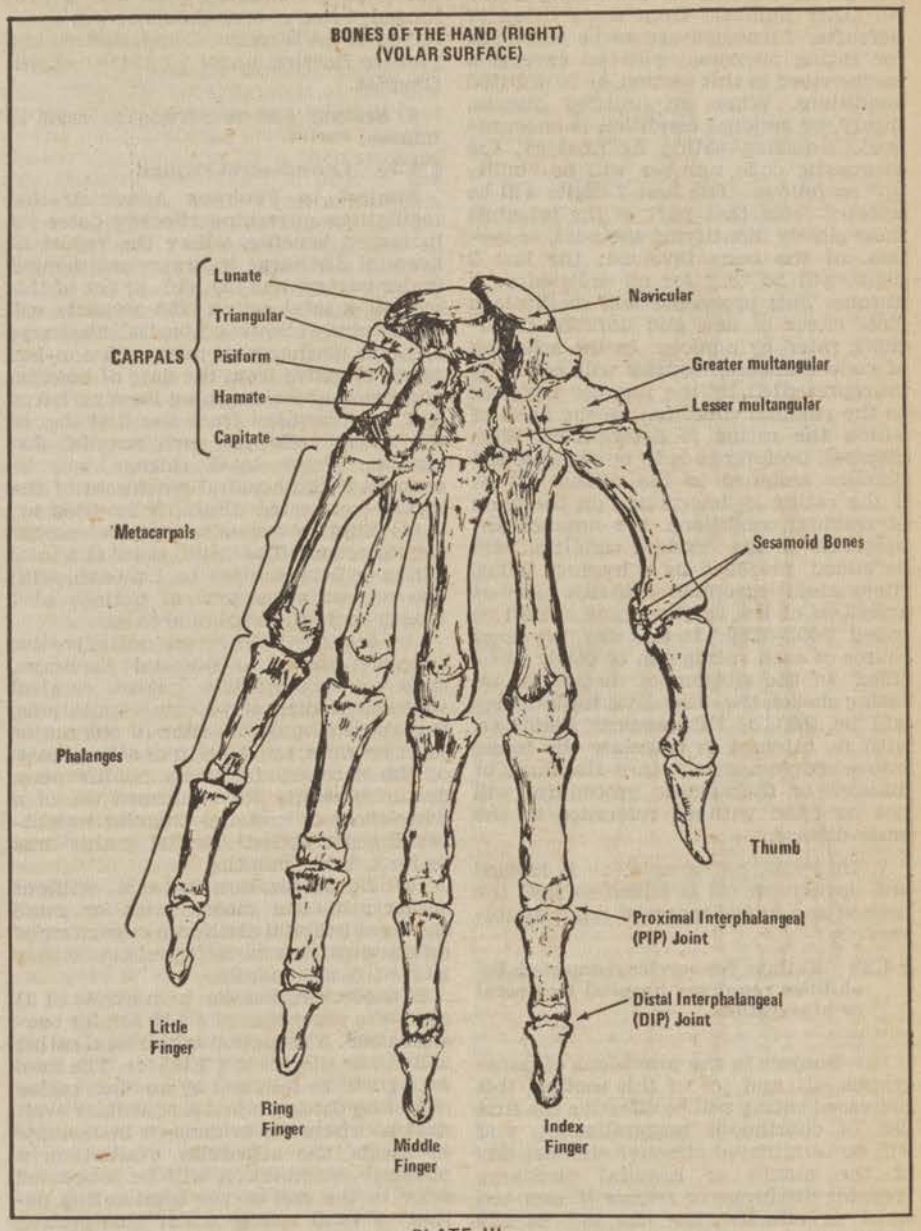


PLATE III

AMPUTATIONS: LOWER EXTREMITY

* * * * * * *

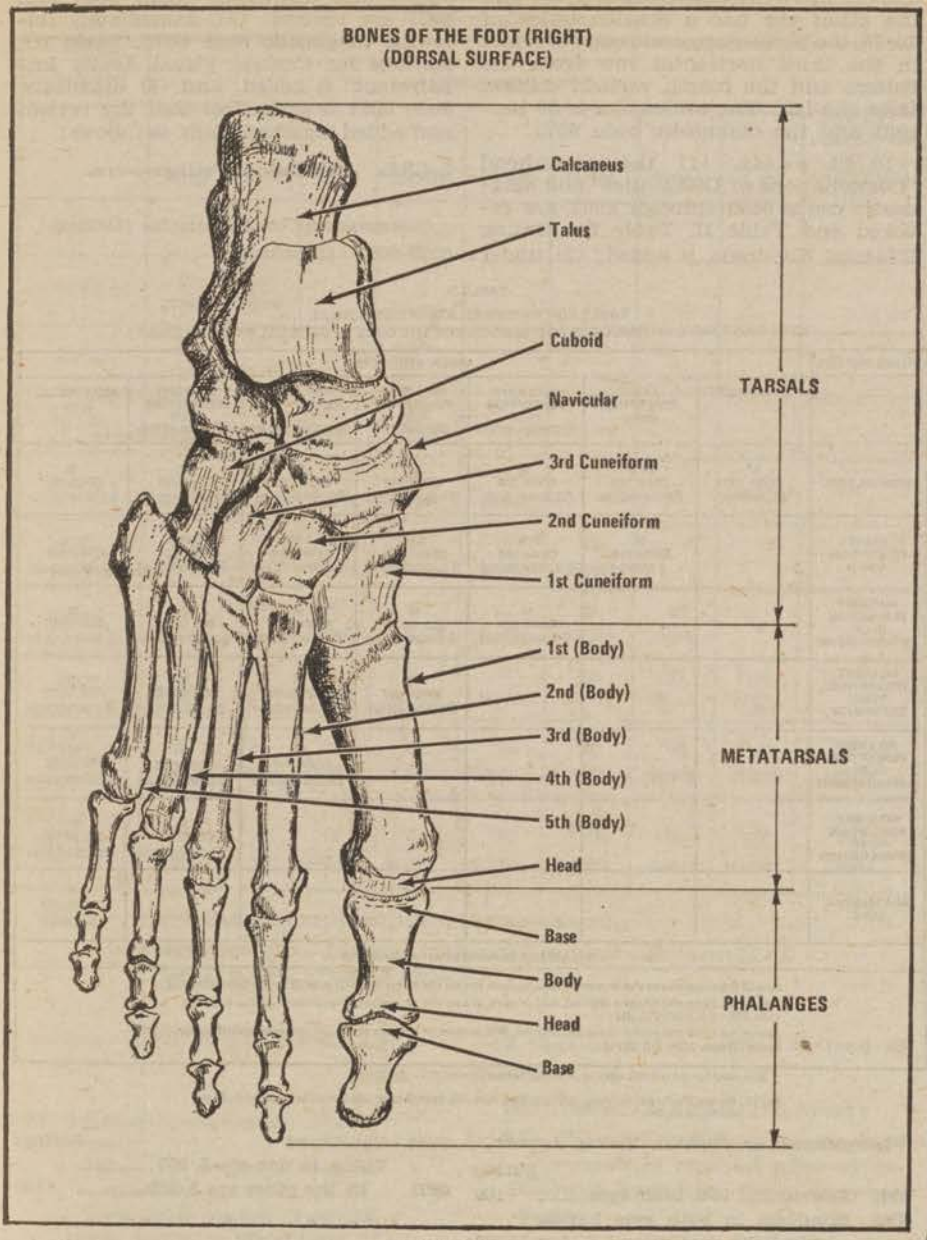


PLATE IV

MULTIPLE FINGERS: FAVORABLY ANKYLOSIS

* * * * *

5223 Two digits of one hand, favorable ankylosis of:

* * * * *

(b) Combinations of finger amputations at various levels, or of finger amputations with ankylosis or limitation of motion of the fingers will be rated on the basis of the grade of disability, i.e., amputation, unfavorable ankylosis, or favorable ankylosis, most representative of the levels or combinations. With an even number of fingers involved, and adjacent grades of disability, select the higher of the two grades.

* * * * *

SHORTENING OF THE LOWER EXTREMITY

		Rating
5275	Bones, of the lower extremity, shortening of:	
	Over 4 in	[3] 60
	3½ to 4 in	[3] 50
	3 to 3½ in	40
	2½ to 3 in	30
	2 to 2½ in	20
	1¼ to 2 in	10

[3] Also entitled to special monthly compensation.

NOTE. Measure both lower extremities from anterior superior spine of the ilium to the internal malleolus of the tibia. Not to be combined with other ratings for fracture or faulty union in the same extremity.

* * * * *

THE SPINE

* * * * *

		Ratings
5293	Intervertebral disc syndrome:	
	Pronounced; with persistent symptoms compatible with sciatic neuropathy with characteristic pain and demonstrable muscle spasm, absent ankle jerk, or other neurological findings appropriate to site of diseased disc, little intermittent relief	60
	Severe; recurring attacks, with intermittent relief	40
	Moderate; recurring attacks	20
	Mild	10
	Postoperative, cured	0
5294	Sacro-iliac injury and weakness	
5295	Lumbosacral strain:	
	Severe; with listing of whole spine to opposite side, positive Goldthwaite's sign, marked limitation of forward bending in standing position, loss of lateral motion with osteo-arthritic changes, or narrowing or irregularity of joint space, or some of the above with abnormal mobility on forced motion	40
	With muscle spasm on extreme forward bending, loss of lateral spine motion, unilateral, in standing position	20
	With characteristic pain on motion	10
	With slight subjective symptoms only	0

THE SKULL

5296	Skull, loss of part of, both inner and outer tables:	
	With brain hernia	80
	Without brain hearnia:	
	Area larger than size of a 50-cent piece or 1.140 in² (7.355 cm²)	50
	Area intermediate	30
	Area smaller than the size of a 25-cent piece or 0.716 in² (4.619 cm²)	10

NOTE. Rate separately for intracranial complications.

* * * * *

12. In § 4.73, diagnostic codes 5301 and 5310 (Dorsal only) are corrected and diagnostic codes 5327 and 5328 are added so that the corrected and added codes read as follows:

§ 4.73 Schedule of ratings—muscle injuries.

THE SHOULDER GIRDLE AND ARM

		Rating	
		Major	*Minor*
5301	Group I. Extrinsic muscles of shoulder girdle. (1) Trapezius; (2) levator scapulae; (3) serratus magnus. (Function: Upward rotation of scapula. Elevation of arm above shoulder level.)		
	Severe	40	30
	Moderately severe	30	20
	Moderate	10	10
	Slight	0	0

* * * * *

THE FOOT AND LEG

		Rating
5310	Group X. * * * *	
	Dorsal: (1) Extensor hallucis brevis; (11) extensor digitorum brevis; (2) dorsal interossei (4). Other important dorsal structures: Cruciate crural, deltoid and other ligaments. Tendons of long extensors of toes and peronei muscles.	
	Severe	20
	Moderately severe	10
	Moderate	10
	Slight	0
	NOTE. Minimum rating for through and through wounds of the foot	10

* * * * *

THE TORSO AND NECK

* * * * *

5327	Muscle, new growth of, malignant	100
	NOTE. The 100 percent rating will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.	
5328	Muscle, new growth, benign, postoperative: Rate on basis of impairment of function, i.e., limitation of motion, or scars, diagnostic code 7805, etc.	

§ 4.82 [Revoked]

13. Section 4.82 is revoked.

14. Section 4.83 is revised to read as follows:

§ 4.83 Ratings at scheduled steps and distances.

In applying the ratings for impairment of visual acuity, a person not having the ability to read at any one of the scheduled steps or distances, but reading at the next scheduled step or distance, is to be rated as reading at this latter step or distance. That is, a person who can read at 20/70 but who cannot at 20/100, should be rated as seeing at 20/100.

15. Section 4.83a is added to read as follows:

§ 4.83a Impairment of central visual acuity.

The percentage evaluation will be found from table III by intersecting the horizontal row appropriate for the Snellen index for one eye and the vertical column appropriate to the Snellen index of the other eye. For example, if one eye has a Snellen index of 5/200 and the other eye has a Snellen index of 20/70, the percentage evaluation is found in the third horizontal row from the bottom and the fourth vertical column from the left. The evaluation is 50 percent and the diagnostic code 6073.

16. In § 4.84a, (1) the centerhead "Combinations of Disabilities" and diagnostic codes 6050 through 6062 are revoked and Table II, Table for Rating Bilateral Blindness, is added; (2) under "Impairment of Central Visual Acuity", new diagnostic codes 6061 and 6062 are added and diagnostic codes 6064 and 6071 are revised; (3) immediately following diagnostic code 6079, Table III, Ratings for Central Visual Acuity Impairment" is added; and (4) diagnostic code 6081 is revised so that the revised and added material reads as follows:

§ 4.84a Schedule of ratings—eye.

* * * * *

COMBINATIONS OF DISABILITIES [DELETED]

6050–6062 [Revoked]

TABLE II

TABLE FOR RATING BILATERAL BLINDNESS
WITH DICTATOR'S RATING CODE AND SECTIONS OF THE CODE OF FEDERAL REGULATIONS

VISION ONE EYE	VISION OTHER EYE						
	5/200 OR LESS	LIGHT PERCEPTION ONLY	NO LIGHT PERCEPTION PLUS PHTHISIS BULBI	NO LIGHT PERCEPTION PLUS DEFORMITY	NO LIGHT PERCEPTION PLUS DISFIGUREMENT	NO LIGHT PERCEPTIONS PLUS EVISCERATION	ANATOMICAL LOSS
5/200 OR LESS	L* CODE 190 § 3,350(b)(2)	L+½* CODE 280 § 3,350(f)(2)(ii)	M CODE 286 § 3,350(f)(2)(iii)	M CODE 288 § 3,350(f)(2)(iii)	M CODE 289 § 3,350(f)(2)(iii)	M CODE 287 § 3,350(f)(2)(iii)	M CODE 285 § 3,350(f)(2)(iii)
LIGHT PERCEPTION ONLY		M CODE 210 § 3,350(c)	M+½ CODE 296 § 3,350(f)(2)(iii)	M+½ CODE 298 § 3,350(f)(2)(iii)	M+½ CODE 299 § 3,350(f)(2)(iii)	M+½ CODE 297 § 3,350(f)(2)(iii)	M+½ CODE 295 § 3,350(f)(2)(iii)
NO LIGHT PERCEPTION PLUS PHTHISIS BULBI			N CODE 305 § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)
NO LIGHT PERCEPTION PLUS DEFORMITY				N CODE 307 § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)
NO LIGHT PERCEPTION PLUS DISFIGUREMENT					N CODE 308 § 3,350 (f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)
NO LIGHT PERCEPTION PLUS EVISCERATION						N CODE 306 § 3,350(f)(2)(iv)	N SEE NOTE § 3,350(f)(2)(iv)
ANATOMICAL LOSS							N CODE 223 § 3,350(d)
BILATERAL BLINDNESS WITH DEAFNESS							
Any of the above plus service connected total deafness one ear add ½ rate (limit O) code 322– § 3,350(f)(2)(iv)(a) Any of the above plus bilateral deafness, 40% or more, at least one ear service connected add full step (Limit O) code 323– § 3,350(f)(2)(iv)(b) Any of the above plus service connected deafness, 60% or more, at least one ear service connected qualifies for Subpar O code 231– § 3,350(e)							

* With need for aid and attendant qualifies for Subpar M code 211– § 3,350(c)

NOTE: No specific dicatators rating code provided, code 305 through code 308 should be modified to fit the condition shown.

IMPAIRMENT OF CENTRAL VISUAL ACUITY

		Rating
6061	Anatomical loss both eyes	[5] 100
6062	Blindness in both eyes having only light perception	[5] 100
	Anatomical loss of one eye	

* * * * *

6064	In the other eye 10/200	[6] 90

* * * * *

6064—Continued	Ratings
Vision in one eye 5/200	
6071 In the other eye 5/200	[5] 100

* * * * *

[5] Also entitled to special monthly compensation.

[6] Add 10 percent if artificial eye cannot be worn; also entitled to special monthly compensation.

TABLE III

RATINGS FOR CENTRAL VISUAL ACUITY IMPAIRMENT

(With Diagnostic Code)

VISION IN ONE EYE	VISION IN OTHER EYE								
	20/40	20/50	20/70	20/100	20/200	15/200	10/200	5/200	LIGHT PERCEPTION ONLY/ ANATOMICAL LOSS
20/40	0								
20/50	10 (6079)	10 (6078)							
20/70	10 (6079)	20 (6078)	30 (6078)						
20/100	10 (6079)	20 (6078)	30 (6078)	50 (6078)					
20/200	20 (6077)	30 (6076)	40 (6076)	60 (6076)	70 (6075)				
15/200	20 (6077)	30 (6076)	40 (6076)	60 (6076)	70 (6075)	80 (6075)			
10/200	30 (6077)	40 (6076)	50 (6076)	60 (6076)	70 (6075)	80 (6075)	90 (6075)		
5/200	30 (6074)	40 (6073)	50 (6073)	60 (6073)	70 (6072)	80 (6072)	90 (6072)	[5]100 (6071)	
LIGHT PERCEPTION ONLY	[5]30 (6070)	[5]40 (6069)	[5]50 (6069)	[5]60 (6069)	[5]70 (6068)	[5]80 (6068)	[5]90 (6068)	[5]100 (6067)	[5]100 (6062)
ANATOMICAL LOSS OF ONE EYE	[6]40 (6066)	[6]50 (6065)	[6]60 (6065)	[6]60 (6065)	[6]70 (6064)	[6]80 (6064)	[6]90 (6064)	[5]100 (6063)	[5]100 (6061)

5 ALSO ENTITLED TO SPECIAL MONTHLY COMPENSATION.

6 ADD 10 PERCENT IF ARTIFICIAL EYE CANNOT BE WORN; ALSO ENTITLED TO SPECIAL MONTHLY COMPENSATION.

RATINGS FOR IMPAIRMENT OF FIELD VISION

* * * * *

		Rating
6081	Scotoma, pathological, unilateral:	
	Large or centrally located, minimum	10

NOTE. Rate on loss of central visual acuity or impairment of field vision. Do not combine with any other rating for visual impairment.

* * * * *

17. In § 4.84b, diagnostic code is revised to read as follows:

§ 4.84b Schedule of ratings—ear.

DISEASES OF THE EAR

* * * * *

		Rating
6260	Tinnitus:	
	Persistent as a sympton of head injury, concussion or acoustic trauma	10

(See diagnostic code 8046)

18. Section 4.85 is revised to read as follows:

IMPAIRMENT OF AUTHORITY ACUITY

§ 4.85 Hearing impairments, reported as a result of regional office or authorized audiology clinic examinations.

(a) If the results of controlled speech reception tests are used, the letter, A through F, designating the impairment in efficiency of each ear separately, will be ascertained from table IV. Table IV indicates six areas of impairment in efficiency. The literal designation of impaired efficiency (A, B, C, D, E, or F) will be determined by intersecting the horizontal row appropriate for percentage of discrimination and the vertical column appropriate to the speech reception decibel loss; thus, with a speech reception decibel loss of 62 db and a percentage discrimination of 72 percent the literal designation is "D"; if the speech reception decibel loss is 62 db and the percentage discrimination is 70 percent, the literal designation is "E".

(b) The percentage evaluation will be found from table V by intersecting the horizontal row appropriate for the literal designation for the ear having the better hearing and the vertical column appropriate to the literal designation for the ear having the poorer hearing. For example, if the better ear has a literal designation of "B" and the poorer ear has a literal designation of "C", the percentage evaluation is in the second horizontal row from the bottom and in the third vertical column from the right and is 10 percent.

(c) If the results of pure tone audiometry (either pure tone air conduction or Galvanic Skin Response, GSR) are used, the equivalent literal designation for each ear, separately, will be ascertained from table V, and the percentage evaluation determined in the same manner as for speech reception impairment in paragraph (b) of this section. For example, if the average pure tone decibel loss for the frequencies 500, 1,000, and 2,000 is not more than 57 db and there is no loss more than 70 db for any of these three frequencies, the equivalent literal designation is "C"; if in the other ear, the average is not more than 79 db, and there is no loss more than 90 db, the equivalent literal designation is "D". The percentage evaluation is therefore found in the horizontal row opposite "C", and in the vertical column under "D", and is 20 percent. Note that if in the first instance any of the 3 frequencies has a loss of more than 70 db, or in the second instance more than 90 db, the literal designation will be higher, i.e., further from "A" in the alphabetical series.

19. Section 4.87 is redesignated § 4.86a and revised and a new § 4.87 is added so that the redesignated and added material reads as follows:

§ 4.86a Conversational voice in feet.

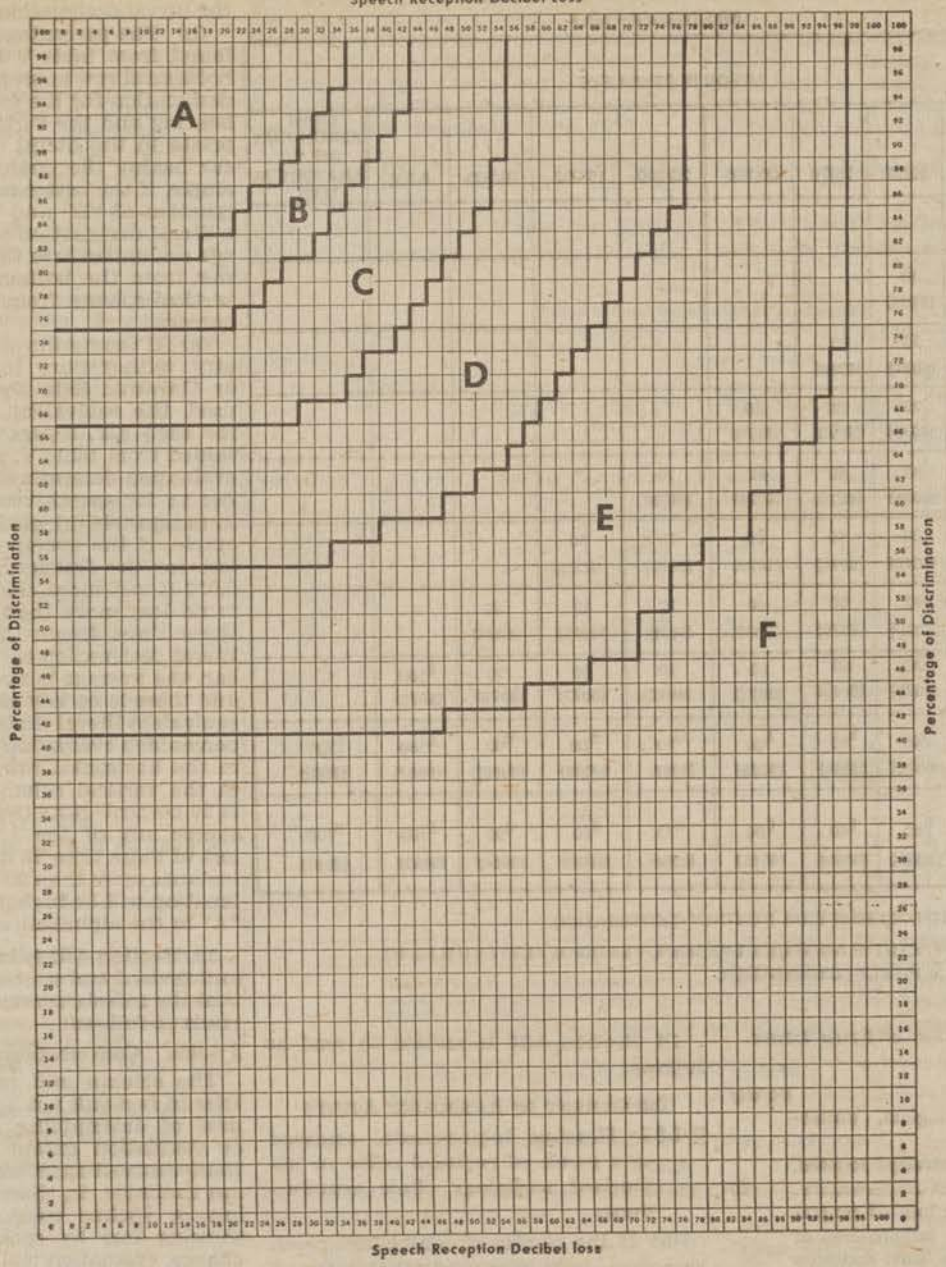
The column and row containing entries in feet will not be used for the purpose of determining service-connection or evaluation except in the rating of those unusual cases where no other data are available. In those cases showing no loss by spoken voice on induction but showing loss by spoken voice on discharge, evaluation will be deferred pending examination by controlled speech and pure tone apparatus. In those cases showing loss for spoken voice on induction, the footage equivalents on table V will be used to determine the extent of hearing loss at induction for comparison with the results of examination by controlled speech and pure tone.

§ 4.87 Determinations of auditory acuity.

By impairment of auditory acuity is meant the organic hearing loss for speech.

20. Immediately following § 4.87, Table I is redesignated Table IV and Table II is redesignated Table V and revised as follows:

TABLE IV



(This chart showing the literal designation of hearing loss is based on the ISO (ANSI) norm. No interpolation is required.)

TABLE V

RATINGS FOR HEARING IMPAIRMENT

(with diagnostic code)

Hearing in better ear			Hearing in poorer ear					
			Conversational voice in feet					
			0 feet	1 to 4 feet	5 to 7 feet	8 to 9 feet	10 to 14 feet	15 to 40 feet
			Pure tone audiometry decibel loss					
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000 and 2,000 (either air conduction or GSR)	Speech reception impairment literal designation	Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45
			Speech reception impairment literal designation					
			F	E	D	C	B	A
0 feet	Average 100 or more	F	(7)80 (6277)					
1 to 4 feet	Average not more than 99; none more than 105	E	60 (6278)	60 (6283)				
5 to 7 feet	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)			
8 to 9 feet	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	20 (6289)	20 (6292)		
10 to 14 feet	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)	
15 to 40 feet	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)

(7ENTITLED TO SPECIAL MONTHLY COMPENSATION.)

21. Section 4.87a is revised to read as follows:

§ 4.87a Diagnostic codes and literal designations.

		Rating
6277	Rated Column F, One Ear Row F, Other Ear Table V	7 80
6278	Rated Column F, One Ear Row E, Other Ear Table V	60
6279	Rated Column F, One Ear Row D, Other Ear Table V	40
6280	Rated Column F, One Ear Row C, Other Ear Table V	30
6281	Rated Column F, One Ear Row B, Other Ear Table V	20
6282	Rated Column F, One Ear Row A, Other Ear Table V	10
6283	Rated Column E, One Ear Row E, Other Ear Table V	60
6284	Rated Column E, One Ear Row D, Other Ear Table V	40
6285	Rated Column E, One Ear Row C, Other Ear Table V	30
6286	Rated Column E, One Ear Row B, Other Ear Table V	20
6287	Rated Column E, One Ear Row A, Other Ear Table V	10
6288	Rated Column D, One Ear Row D, Other Ear Table V	40
6289	Rated Column D, One Ear Row C, Other Ear Table V	20
6290	Rated Column D, One Ear Row B, Other Ear Table V	20
6291	Rated Column D, One Ear Row A, Other Ear Table V	10
6292	Rated Column C, One Ear Row C, Other Ear Table V	20
6293	Rated Column C, One Ear Row B, Other Ear Table V	10
6294	Rated Column C, One Ear Row A, Other Ear Table V	0
6295	Rated Column B, One Ear Row B, Other Ear Table V	10
6296	Rated Column B, One Ear Row A, Other Ear Table V	0
6297	Rated Column A, One Ear Row A, Other Ear Table V	0

7 Entitled to special monthly compensation.

22. In § 4.88a, diagnostic code 6350 is revised to read as follows:

§ 4.88 Schedule of ratings—systemic diseases.

* * * * *

		Rating
6350	Lupus erythematosus, systemic (disseminated):	
	(Not to be combined with ratings under diagnostic code 7809.)	
	Acute with constitutional manifestations associated with serous or synovial membrane or visceral involvement or other symptom combinations, totally incapacitating	100
	Less than totally incapacitating, but in symptom combinations productive of severe impairment of health	80
	Chronic with frequent exacerbations and multiple joint and organ manifestations productive of moderately severe impairment of health	60
	Exacerbations of a week or more 2 or 3 times a year; or symptomatology productive of moderate impairment of health	30
	Exacerbations once or twice a year or symptomatic during the past 2 years	10
	NOTE. Rate residuals such as joint, renal, pleural, etc., under the appropriate system, not to be combined with ratings under code 6350. Assign the higher evaluation.	

23. In § 4.97, diagnostic codes 6814 and 6819 are revised to read as follows:

§ 4.97 Schedule of ratings—respiratory system.

* * * * *

NONTUBERCULOUS DISEASES

* * * * *

		Rating
6814	Pneumothorax, spontaneous, for 6 months	100
	NOTE. Rate residuals analogous to bronchial asthma diagnostic code 6602.	

* * * * *

6819	New growths of, malignant, any specified part of respiratory system exclusive of skin growths	100
	NOTE. The rating under diagnostic code 6819 will be continued for 2 years following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.	

* * * * *

§ 4.103 [Revoked]

24. Section 4.103 is revoked.

25. In § 4.104, diagnostic codes 7116 (60 percent rating only) and 7121 are revised to read as follows:

§ 4.104 Schedule of ratings—cardiovascular system.

* * * * *

DISEASES OF THE ARTERIES AND VEINS

* * * * *

		Rating
7116	Claudication, intermittent	
	Persistent coldness of extremity with claudication on minimal walking	60

* * * * *

7121	Phlebitis or thrombophlebitis, unilateral, with obliteration of deep return circulation, including traumatic conditions:	
	Massive board-like swelling, with severe and constant pain at rest	100

7121—Continued	Rating
Persistant swelling, subsiding only very slightly and incompletely with recumbency elevation with pigmentation cyanosis, eczema or ulceration	60
Persistent swelling of leg or thigh, increased on standing or walking 1 or 2 hours, readily relieved by recumbency; moderate discoloration, pigmentation and cyanosis or persistent swelling of arm or forearm, increased in the dependent position; moderate discoloration, pigmentation or cyanosis	30
Persistent moderate swelling of leg not markedly increased on standing or walking or persistent swelling of arm or forearm not increased in the dependent position	10

NOTE. When phlebitis is present in both lower extremities or both upper extremities, apply bilateral factor.

* * * * *

26. In § 4.114, the introductory portion preceding diagnostic code 7200, and diagnostic codes 7312, 7313, 7339 and 7343 are revised; diagnostic code 7341 is revoked and diagnostic code 7348 is added so that the added and revised material reads as follows:

§ 4.114 Schedule of ratings—digestive system.

Ratings under diagnostic codes 7301 to 7329, inclusive, 7331, 7342 and 7345 to 7348 inclusive will not be combined with each other. A single evaluation will be assigned under the diagnostic code which reflects the predominant disability picture, with elevation to the next higher evaluation where the severity of the overall disability warrants such elevation.

* * * * *

	Rating
7312 Liver, cirrhosis of:	
Pronounced; aggravation of the symptoms for moderate and severe, necessitating frequent tapping	100
Severe; ascites requiring infrequent tapping, or recurrent hemorrhage from esophageal varices, aggravated symptoms and impaired health	70
Moderately severe; liver definitely enlarged with abdominal distention due to early ascites and with muscle wasting and loss of strength	50
Moderate; with dilation of superficial abdominal veins, chronic dyspepsia, slight loss of weight or impairment of health	30
7313 Liver, abscess of, residuals:	
With severe symptoms	30
With moderate symptoms	20

* * * * *

7339 Hernia, ventral, postoperative:	
Massive, persistent, severe diastasis of recti muscles or extensive diffuse destruction or weakening of muscular and fascial support of abdominal wall so as to be inoperable	100
Large, not well supported by belt under ordinary conditions	40
Small, not well supported by belt under ordinary conditions, or healed ventral hernia or post-operative wounds with weakening of abdominal wall and indication for a supporting belt	20
Wounds, postoperative, healed, no disability, belt not indicated	0

* * * * *

7341 [Revoked]	

* * * * *

7343 New growths, malignant, exclusive of skin growths	100

NOTE. The rating under diagnostic code 7343 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

* * * * *

7348 Vagotomy with pyloroplasty or gastroenterostomy:	
Followed by demonstrably confirmative postoperative complications of stricture or continuing gastric retention	40
With symptoms and confirmed diagnosis of alkaline gastritis, or of confirmed persisting diarrhea	30
Recurrent ulcer with incomplete vagotomy	20

NOTE. Rate recurrent ulcer following complete vagotomy under diagnostic code 7305, minimum rating 20 percent; and rate dumping syndrome under diagnostic core 7308.

27. In § 4.115a, diagnostic codes 7519 and 7528 are revised to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

DISEASES OF THE GENITOURINARY SYSTEM

* * * * *

	Rating
7519 Urethra, fistula of:	
Multiple urethroperineal	100
Severe; multiple, with continuous drainage requiring constant use of appliance or frequent change of pad	60
Moderate; fistual with continuous drainage requiring constant use of pad or appliance	40
Mild; slight intermittent leakage	20

* * * * *

7528 New growths, malignant, any specified part of genitourinary system	100

NOTE. The rating under code 7528 will be continued for 1 year following the cessation of surgical, X-ray antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals, minimum 10

* * * * *

28. In § 4.116a, diagnostic code 7627 is revised to read as follows:

§ 4.116a Schedule of ratings—gynecological conditions.

* * * * *

	Rating
7627 New growths, malignant, gynecological system or mammary glands	100

NOTE. The rating under code 7627 will be continued for 1 year following the cessation of surgical, X-ray antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals, minimum 10

29. In § 4.117, the note following diagnostic code 7709 is revised to read as follows:

§ 4.117 Schedule of ratings—hemic and lymphatic systems.

* * * * *

7709 Lymphogranulomatosis (Hodgkin's disease):	

* * * * *

NOTE. The 100 percent rating will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or invasion of other organs, the rating will be made on residuals.

* * * * *

30. In § 4.119, diasgnostic code 7914 is revised to read as follows:

§ 4.119 Schedule of ratings—endocrine system.

* * * * *

7914 New growth, malignant, any specified part of endocrine system	100

NOTE. The rating under code 7914 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

* * * * *

31. In § 4.124a, diagnostic codes 8045, 8046 and 8914 (Mental Disorders in Epilepsies only) are revised to read as follows:

§ 4.124a Schedule of ratings—neurological conditions and convulsive disorders.

ORGANIC DISEASES OF THE CENTRAL NERVOUS SYSTEM

* * * * *

8045 Brain disease due to trauma:	
Purely neurological disabilities, such as hemiplegia, epileptiform seizures, facial nerve paralysis, etc., following trauma to the brain, will be rated under the diagnostic codes specifically dealing with such disabilities, with citation of a hyphenated diagnostic code (e.g., 8045–8207).	

8045—Continued

Purely subjective complaints, such as headache, dizziness, insomnia, etc., recognized as symptomatic of brain trauma, will be rated 10 percent and no more under diagnostic code 9304. This 10 percent rating will not be combined with any other rating for a disability due to brain trauma. Ratings in excess of 10 percent for brain disease due to trauma under diagnostic code 9304 are not assignable in the absence of a diagnosis of non-psychotic organic brain syndrome with brain trauma.

8046 Cerebral arteriosclerosis:

Purely neurological disabilities, such as hemiplegia, cranial nerve paralysis, etc., due to cerebral arteriosclerosis will be rated under the diagnostic codes dealing with such specific disabilities, with citation of a hyphenated diagnostic code (e.g., 8046–8207).

Purely subjective complaints such as headache, dizziness, tinnitus, insomnia and irritability, recognized as symptomatic of a properly diagnosed cerebral arteriosclerosis, will be rated 10 percent and no more under diagnostic code 9305. This 10 percent rating will not be combined with any other rating for a disability due to cerebral or generalized arteriosclerosis. Ratings in excess of 10 percent for cerebral arteriosclerosis under diagnostic code 9305 are not assignable in the absence of a diagnosis of non-psychotic organic brain syndrome with cerebral arteriosclerosis.

NOTE.—The ratings under code 8046 apply only when the diagosis of cerebral arteriosclerosis is substantiated by the entire clinical picture and not solely on findings of retinal arteriosclerosis.

* * * * *

THE EPILEPSIES

* * * * *

8914 Epilepsy, psychomotor

* * * * *

Mental Disorders in Epilepsies: A non-psychotic organic brain syndrome will be rated separately under the appropriate diagnostic code (e.g., 9304 or 9307). In the absence of a diagnosis of non-psychotic organic psychiatric disturbance (psychotic, psychoneurotic or personality disorder) if diagnosed and shown to be secondary to or directly associated with epilepsy will be rated separately. The psychotic or psychroneurotic disorder will be rated under the appropriate diagnostic code. The personality disorder will be rated as a non-psychotic organic brain syndrome (e.g., diagnostic code 9304 or 9307).

* * * * *

32. In § 4.132, diagnostic codes 9200 through 9210, 9300 through 9311, 9400 through 9405, 9500 through 9502 are revised, diagnostic codes 9312 through 9326, 9407 through 9410 (immediately preceding "Read well Notes (1) to (4), etc.") and 9505 through 9511 (immediately preceding "Evaluate psychophsiologic reaction, etc.") are added and diagnostic codes 9406, 9503 and 9504 are revoked so that the added and revised material reads as follows:

§ 4.132 Schedule of ratings—mental disorders.

PSYCHOTIC DISORDERS

		Rating
9200	Schizophrenia, simple type	
9201	Schizophrenia, hebephrenic type	
9202	Schizophrenia, catatonic type	
9203	Schizophrenia, paranoid type	
9204	Schizophrenia, chronic undifferentiated type	
9205	Schizophrenia, other and unspecified types	
9206	Manic depressive illness, specify type	
9207	Psychotic depressive reaction	
9208	Paranoid states (specify type)	
9209	Involutional melancholia or involutional paranoid state	
9210	Psychosis, unspecified:	
	General Rating Formula for Psychotic Reactions:	
	Active psychotic manifestations of such extent, severity, depth, persistence or bizarreness as to produce complete social and industrial inadaptability	100
	With lesser symptomatology such as to product severe impairment of social and industrial adaptability	70
	Considerable impairment of social and industrial adaptability	50
	Definite impairment of social and industrial adaptability	30
	Slight impairment of social and industrial adaptability	10
	Psychosis in full remission	0

Convalescent rating in psychotic disorders: Upon regular discharge or release to non-bed care from a hospital where a beneficiary has been under care and treatment for a continuous period in the hospital of not less than 6 months, an open rating of 100 percent will be continued for 6 months. A Veterans Administration examination is mandatory at the expiration of the 6 months' period, after which the condition will be rated in accordance with the degree of disability shown. Where the beneficiary has been under hospital care and treatment for less than 6 months and is not ratable at 100 percent under the rating schedule, consideration should be given to § 4.29.

ORGANIC BRAIN DISORDERS

9300 Acute nonpsychotic brain disorder with infection, trauma, circulatory disturbance, etc. (specify the cause)

9300—Continued

NOTE. Acute organic brain disorders with or without accompanying psychotic disorder are temporary and reversible. If psychiatric impairment attributable to such diagnosis continues beyond 6 months, the report of examination is to be returned to the examiner for reconsideration of the diagnosis.

9301 Non-psychotic organic brain syndrome with central nervous system syphilis (all forms)

9302 Non-psychotic organic brain syndrome with intracranial infections other than syphilis (specify infection)

9303 Non-psychotic organic brain syndrome with intoxication (specify cause such as alcoholic deterioration)

9304 Non-phychotic organic brain syndrome with brain trauma

9305 Non-psychotic organic brain syndrome with cerebral arteriosclerosis

9306 Non-psychotic organic brain syndrome with circulatory disturbance other than cerebral anteriosclerosis (specify circulatory disturbance)

9307 Non-psychotic organic brain syndrome with convulsive disorder (idiopathic epilepsy)

9308 Non-psychotic organic brain syndrome with disturbance of metabolism, growth or nutrition

9309 Non-psychotic organic brain syndrome with intracranial neoplasm

9310 Non-psychotic organic brain syndrome with unknown or uncertain cause

9311 Non-psychotic organic brain syndrome of undiagnosed cause

9312 Psychosis associated with organic brain syndrome due to senile dementia

9313 Psychosis associated with organic brain syndrome due to chronic alcoholic poisoning

9314 Psychosis associated with organic brain syndrome due to syphilis (all forms)

9315 Psychosis associated with organic brain syndrome due to epidemic encephalitis

9316 Psychosis associated with organic brain syndrome due to other and unspecified intracranial infection

9317 Psychosis associated with organic brain syndrome due to cerebral arteriosclerosis

9318 Psychosis associated with organic brain syndrome due to cerebrovascular disturbance

9319 Psychosis associated with organic brain syndrome due to epilepsy

9320 Psychosis associated with organic brain syndrome due to intracranial neoplasm

9321 Psychosis associated with organic brain syndrome due to brain trauma

9322 Psychosis associated with organic brain syndrome due to endocrine disorder

9323 Psychosis associated with organic brain syndrome due to metabolic or nutritional disorder

	Rating
9324	Psychosis associated with organic brain syndrome due to systemic infection
9325	Psychosis associated with organic brain syndrom due to drug or poison intoxication (other than alcohol)
9326	Psychosis associated with organic brain syndrome due to other and undiagnosed physical condition

Before attempting to rate brain syndromes rating specialists should become thoroughly acquainted with the relevant concepts presented by the current Diagnostic and Statistical Manual of the American Psychiatric Association and the following:

(1) Under the codes 9300 through 9326 the basic syndrome of organic brain disorder may be the only mental disturbance present or it may appear with related "psychotic" manifestations. An organic brain syndrome with or without such qualifying phrase will be rated according to the general rating formula for organic brain syndromes, assigning a rating which reflects the entire psychiatric picture.

(2) An organic brain syndrome, as defined in the American Psychiatric Association manual, is characterized solely by psychiatric manifestations. However, neurological or other manifestations of etiology common to the brain syndrome may be present, and if present, are to be rated separately as distinct entities under the neurological or other appropriate system and combined with the rating for the brain syndrome.

General Rating Formula for Organic Brain Syndromes:

Impairment of intellectual functions, orientation, memory and judgment, and liability and shallowness of affect of such extent, severity, depth, and persistence as to produce complete social and industrial inadaptability	100
Less than 100 percent, in symptom combinations productive of:	
Severe impairment of social and industrial adaptability	70
Considerable impairment of social and industrial adaptability	50
Definite impairment of social and industrial adaptability	30
Slight impairment of social and industrial adaptability	10
No impairment of social and industrial adaptability	0

PSYCHONEUROTIC DISORDERS

9400	Anxiety neurosis
9401	Hysterical neurosis, dissociative type
9402	Hysterical neurosis, conversion type
9403	Phobic neurosis
9404	Obsessive compulsive neurosis
9405	Depressive neurosis
9406	[Revoked]
9407	Neurasthenic neurosis (formerly psychophysiologic nervous system reaction)
9408	Depersonalization neurosis
9409	Hypochondriacal neurosis
9410	Other and unspecified neurosis

* * * * *

PSYCHOPHYSIOLOGIC DISORDERS

9500	Psychophysiologic skin disorder
9501	Psychophysiologic cardiovascular disorder
9502	Psychophysiologic gastrointestinal disorder
9503	[Revoked]
9504	[Revoked]
9505	Psychophysiologic musculoskeletal disorder
9506	Psychophysiologic respiratory disorder
9507	Psychophysiologic hemic and lymphatic disorder
9508	Psychophysiologic genitourinary disorder
9509	Psychophysiologic endocrine disorder
9510	Psychophysiologic disorder of organ of special sense (specify sense organ)
9511	Psychophysiologic disorder of other type

* * * * *

Approved: January 21, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator of Veterans Affairs.

[FR Doc.76-2330 Filed 1-27-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

KENTUCKY

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 31, 1973, notice was published in the FEDERAL REGISTER of the approval of the Kentucky plan and the adoption of Subpart Q of Part 1952 containing the decision and describing the plan (38 FR 20322).

On January 27, 1975, and July 1, 1975, the Commonwealth of Kentucky submitted a revised State plan document incorporating developmental and State-initiated plan changes. (See Subparts B and E of 29 CFR Part 1953.) These plan amendments are described below.

2. *Description of plan amendments.* (a) Legislation. In accordance with the commitment expressed in 29 CFR 1952.-233(e), the State submitted amendments to its enabling legislation (Kentucky Revised Statutes, Chapter 338.011 through 338.991) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislative amendments were enacted by the Kentucky General Assembly during the 1974 legislative session. The enacted amendments provide for the following:

(1) Revision in the statutory organization of the Kentucky Department of Labor's occupational safety and health program to include a division of occupational safety and health compliance and a division of education and training (KRS 338.041 amended).

(2) Authority and procedures for granting temporary variances (KRS 338.153(2)(a)).

(3) Civil penalty of up to $10,000 in addition to appropriate criminal charges for willful violation of standards resulting in employee death and $20,000 plus appropriate criminal charges for a second offense (KRS 338.991(13) amended).

(b) Regulations. In 1974 the Kentucky General Assembly enacted new procedures to be used by administrative bodies in adopting and implementing administrative regulations, including mandatory publication of notice in the monthly Kentucky Administrative Review (KRS Chapter 13). In accord with these requirements all new and existing Kentucky Occupational Safety and Health (KyOSHA) regulations have been filed with the Kentucky Legislative Research Commission and recodified as follows:

(1) 803 KAR 2:01 Rules of procedure of Kentucky Occupational Safety and Health Standards Board (Revised in accord with the commitment contained in 29 CFR 1952.233 (b).)

(2) 803 KAR 2:040 Definitions.

(3) 803 KAR 2:050 Scope of regulations.

(4) 803 KAR 2:060 Employers' responsibilities.

(5) 803 KAR 2:070 Inspections.

(6) 803 KAR 2:080 Advance notice of inspections.

(7) 803 KAR 2:090 Unwarranted inspections; complaints.

(8) 803 KAR 2:095 Trade secrets.

(9) 803 KAR 2:100 Imminent danger.

(10) 803 KAR 2:110 Employer and employee representatives.

(11) 803 KAR 2:115 Penalties.

(12) 803 KAR 2:120 Citations.

(13) 803 KAR 2:125 Posting of citations.

(14) 803 KAR 2:130 Informal conferences.

(15) 803 KAR 2:140 Employer and employee contests.

(16) 803 KAR 2:150 Time for filing complaints (Discrimination complaints must be filed within 120 days of the alleged discrimination; the Commissioner of Labor must complete his investigation and make a determination within 60 days.)

(17) 803 KAR 2:160 Carcinogen registry (Employers using any of 15 carcinogens: 4-Nitrobiphenyl; alpho-Naphthylamine; 4, 4'-Methylene bis 2-chloroaniline; Methyl chloromethyl ether; 3, 3'-Dichlorobensidine and its salts; bis-Chloromethyl ether; beta-Naphtylamine; Benzidine and its salts; 4-Aminodiphenyl; Ethyleneimine; beta-Propiolactone; 2-Acetylaminofluorene; 4-Dimethylaminoazobenzene; N-Nitrosodimethylomine; and vinyl chloride must register with the Kentucky Department of Labor and

specify the use of the substance, nature of employee exposure, and describe control measures.)

(18) 803 KAR 2:170 Variances (Procedures revised to include provisions for consideration of both temporary and permanent variances.)

(19) 803 KAR 2:180 Recordkeeping requirements. (No exemptions for small employers.)

In addition, KRS Chapter 13 provides for the expedited adoption of emergency regulations which remain in effect for 120 days. Kentucky will use this procedure for the adoption of emergency temporary standards.

(c) Public Service Commission. As required by Kentucky enabling legislation, the Public Service Commission (hereinafter called PSC) has full responsibility for administering the occupational safety and health program in those public utilities it regulates. On August 1, 1973, a contract was entered into between the PSC and KyDOL formally defining these responsibiliites and establishing methods of coordination. The agreement was amended on December 18, 1974, to require the Department of Labor to make available the services of industrial hygienists to the PSC upon request. Pursuant to this contract, the PSC has promulgated the following administration regulations paralleling those of the Department of Labor:

(1) Definitions (807 KAR 3:101, Section 1).
(2) Scope of Regulation (section 2).
(3) Posting of Notices (section 3).
(4) Authority for Inspection (section 4).
(5) Trade Secrets (section 5).
(6) Advance Notice of Inspections (section 6).
(7) Complaints by Employees (section 7).
(8) Imminent Danger (section 8).
(9) Employer and Employee Representatives (section 9).
(10) Proposed Penalties (seciton 10).
(11) Citation; Notice of De Minimis Violations (section 11).
(12) Posting of Citations (section 12).
(13) Informal Conferences (section 13).
(14) Contesting Procedures (section 14).
(15) Rules of Practice for Variances and Hearings (section 15).
(16) Report and Recording of Occupational Injuries and Diseases (section 16).
(17) PSC Witnesses and Documents (section 17).
(18) Reasonable Time Defined (filing of discrimination complaints) (section 18).

(d) Occupational Health. By Executive Order 74–374, dated May 15, 1974, the Governor of Kentucky transferred the occupational health authority vested, by contractual agreement, in the Kentucky Department of Human Resources to the Kentucky Department of Labor. Thus all industrial hygiene functions of the Kentucky Occupational Safety and Health program are now performed directly by employees of the Department of Labor. Further, by agreement entered into on May 7, 1975, the Department of Human Resources will provide laboratory analysis and contingent laboratory services and support as required for the occupational safety and health program. Both the Executive Order and contract for laboratory services have been incorporated into the plan.

(e) Management Information System. A revised description of the State management information system and documentation on its implementation as a manual system has been submitted. The system provides regular reports to the Assistant Secretary as required, and provides a basis for internal management analysis of the State program.

(f) Poster. A poster for use in State and local government agencies to advise public employees of their rights and obligations under KyOSHA has been submitted as part of the revised plan.

(g) Affirmative Action Plan. The Kentucky Department of Labor has developed an Equal Opportunity Employment Action Plan as required under the terms of a Federally accepted State merit system.

(h) Organization. The Kentucky State plan narrative, job specifications and organization charts have been revised to reflect current staffing patterns and position responsibilities.

3. *Location of the supplements for inspection and copying.* A copy of the amended 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 587, Atlanta, Georgia 30309; and Office of the Kentucky Commissioner of Labor, Capitol Plaza Towers-12th floor, Frankfort, Kentucky 40601.

4. *Public Participation.* Interested persons are hereby given until February 27, 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 of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), 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 Q of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 23rd day of January 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–2474 Filed 1–27–76;8:45 am]

[29 CFR Part 1952]

MARYLAND PLAN SUPPLEMENTS

Proposed 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 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 Part 1902 of this chapter. On July 5, 1973, a notice was published in the FEDERAL REGISTER of the approval of the Maryland plan and of the adoption of Subpart O of Part 1952 containing the decision (38 FR 17837). On April 29, 1975, August 21, 1975, September 26, 1975, October 2, 1975, October 7, 1975, October 10, 1975, October 21, 1975, October 24, 1975, October 29, 1975, November 4, 1975, and November 14, 1975, the State of Maryland submitted supplements to the plan involving developmental changes, evaluation changes and State-initiated changes (see Subparts B, D, and E of 29 CFR Part 1953 respectively). The supplements consist of various rules, regulations and administrative procedures promulgated by the State designee as well as certain developmental changes.

2. *Description of supplements.* (a) Regulations. On June 1, 1974, Maryland promulgated various rules and regulations pursuant to the Maryland Occupational Safety and Health Act of 1973 (Act 89, § 28 et seq., Md. Code Ann.). The regulations provide requirements and procedures for:

(1) Posting of notices informing employees of their protections and obligations, including the application of the Maryland Act, regulations and standards;

(2) Inspections including procedures to be implemented in response to a refusal of entry, procedures for the conduct of inspections, provisions for employer and employee representatives' participation in an inspection, provisions for the protection of trade secrets, procedures for complaints by employees and procedures for the elimination of imminent danger situations;

(3) Citations including procedures for the issuance of citations and the proposal of penalties, requirements for the posting of citations, employer and employee contests of citations or proposed penalties, procedures concerning failure to correct a violation for which a citation has been issued and procedures for informal conferences;

(4) Hearings before the Commissioner;

(5) Action on applications for temporary or permanent variances from standards; and

(6) Recording and reporting occupational injuries and illnesses, including the maintenance of a log of occupational injuries and illnesses and supplementary records of such injuries and illnesses, and sanctions for failure to maintain such reports or records.

Following review and comment by the Occupational Safety and Health Administration, (hereinafter referred to as OSHA), Maryland notified OSHA by letters dated March 17, 1975, and May 14, 1975, that certain changes would be made in the rules and regulations. On August 6, 1975, a notice was published in the Maryland Register (2 M.R. 1188) concerning the changes to the regulations. These changes include provisions for: (1) the use of compulsory process, if necessary, where an inspection is refused by an employer; (2) notification to affected employees of their right to participate in any proceedings under the Maryland Act; (3) limiting all variances granted under the Maryland Act to prospective application; (4) enlargement of the scope of participation in the standards promulgation process to any interested person; and (5) consideration of an application for a variance from recordkeeping and reporting requirements only if such variance has been granted by the Bureau of Labor Statistics.

(b) Enforcement of Agricultural Standards. The decision approving the Maryland plan provided that agricultural standards would be enforced by the Maryland Deaprtment of Agriculture by agreement with the Division of Labor and Industry. By letter dated April 29, 1975, the designated agency indicated that the agreement with the Department of Agriculture has been terminated and agricultural standards are enforced by the Division of Labor and Industry.

(c) Maritime Enforcement. The decision approving the Maryland plan indicated that the State intended to adopt and enforce Federal standards applicable to maritime activities by December 1975. By letter dated October 29, 1975, the State stated that it does not intend to adopt and enforce such standards and accordingly has amended its plan to delete all references to enforcement of maritime standards within the State.

(d) Adoption of Federal Standards. The State has proposed changes to its plan involving the adoption of, or promulgation of, at least as effective standards within six month after the promulgation of new or revised Federal standards. Revisions to Federal standards will be considered by the Maryland Occupational Safety and Health Advisory Board and "at least as effective as" standards will be adopted by the Commisisoner of the Division of Labor and Industry within six months after promulgation of such standards at the Federal level.

(e) Fire Inspection Program. By letter dated September 26, 1975, the State has indicated that an inter-agency agreement between the Division of Industry and Labor and the State Fire Marshal's Office for the enforcement of fire safety standards has been terminated as of March 31, 1975. Three fire inspectors from the Fire Marshal's staff have been transferred to the Division of Labor and Industry and the State intends to train two additional inspectors in the fire safety standards.

(f) Inspection Scheduling System. The State has revised its system of scheduling inspections. Scheduling is to be done on a monthly basis and consists of two parts: Target Industry Programming and General Scheduling. The Target Industry Program is to include five areas of concentration: heavy construction; food and kindred products; primary metals; motor freight transportation and warehousing; and electric, gas, and sanitary services. The general scheduling of inspections will cover the remaining S.I.C. divisions. Inspections will be conducted on a 50:35:15 ratio; that is, 50% of inspection scheduling will be for small employers (1–19 employees), 35% for medium size employers (20–99 employees) and 15% for those employers with 100 or more employees.

(g) Public Employee Program. The decision approving the Maryland plan indicated that a program for public employees would be developed and implemented by December 1975. The program for public employees provides for the inspection of places of public employment by the Division of Labor and Industry or self-inspections by any agency or political subdivision of the State subject to approval of the self-inspection program by the Commissioner of the Division of Labor and Industry. Regardless of who conducts the inspections, citations will be issued by the Commissioner for violations of standards. No monetary penalties will be proposed but abatement of hazards will be required wherever necessary. Such abatement may be secured from a circuit or equity court of competent jurisdiction upon the application of the Commissioner.

(h) Health Plan. The plan approval notice indicated that a health plan would be developed and implemented by July 1975. Following review by OSHA, the State submitted a change to its plan describing the manner and methodology by which Maryland will implement its health program under the plan. Among other things, the health plan describes the organization and staffing of health personnel, training, inspection scheduling and compliance activities to be implemented under the health plan. The plan also provides for consultation services regarding occupational health whenever requested by an employer.

(i) Boiler Inspections. The decision approving the Maryland State plan provided that the State would conduct boiler certification inspections. By letter dated October 2, 1975, the designated agency indicated that this function is being deleted from coverage under the State plan. The designee has requested the Maryland Board of Public Works to remove all boiler personnel from the MOSH portion of the State's budget.

(j) Review of Job Qualifications. The approval notice for the Maryland plan (29 CFR 1952.213(j)) included as a developmental step a review of job qualifications by the designated agency. This review has been completed and by letter dated October 2, 1975, the designated agency submitted an update of job specifications to replace Appendix E of the original approved plan.

(k) Management Information System. The decision approving the Maryland plan provided that a Management Information System would be developed by December 1975. In accordance with 29 CFR 1952.213(n), a document has been prepared describing the operation of the Management Information System. The system became fully operational as of May 1, 1975.

3. *Location of 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, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 15220, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202.

(4) *Public Participation.* Interested persons are hereby given until February 27, 1976 in which to submit written data, views and arguments concerning the proposed supplements. The 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 therto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health, substantial objections are filed which warrant further public discussion, 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 O of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C. this 23rd day of January 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-2489 Filed 1-27-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

HOLLOW OR CORED CERAMIC BRICK AND TILE, NOT INCLUDING REFRACTORY OR HEAT INSULATING ARTICLES, FROM CANADA

Antidumping

Information was received on June 24, 1975, from the Interstate Brick Division, Entrada Industries, West Jordan, Utah, alleging that hollow or cored ceramic brick and tile, not including refractory or heat insulating articles, from Canada, were being sold in the United States at less than fair value, thereby causing injury to, or likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 23, 1975 (40 F.R. 30847).

Tentative Determination of Sales at Less Than Fair Value. On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of hollow or cored ceramic brick and tile, not including refractory or heat insulating articles, from Canada, is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

Statement of Reasons. The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that roughly 89 percent of imports of the subject merchandise from Canada was manufactured by either Clayburn Industries, Ltd., Abbotsford, British Columbia, or I–XL Industries, Ltd., Medicine Hat, Alberta. Therefore, the investigation was limited to these two manufacturers.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related distributors in the United States. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of hollow or cored ceramic brick and tile from Canada during the period January 1 through August 10, 1975, for I–XL Industries, Ltd., and the five-month period April 1 through August 31, 1975, for Clayburn Industries, Ltd.

In the import transactions, all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price has been calculated on the basis of the packed, f.o.b. plant price to the United States. Deductions have been made for brokerage and duty, as applicable.

d. *Home Market Price.* For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the packed, f.o.b. plant price to distributors in the case of I–XL Industries, Ltd., and the packed, f.o.b. plant price to contractors in the case of Clayburn Industries, Ltd., Adjustments have been made for differences in levels of trade, as appropriate, in accordance with section 153.18, Customs Regulations (19 CFR 153.18). The adjustment for levels of trade relates to the difference between prices to contractors and dealers in the Canadian market.

An adjustment for differences in circumstances of sale in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for technical services performed in the home market was claimed by counsel for Clayburn Industries, Ltd. The adjustment claimed includes certain administrative expenses, such as insurance. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. Further adjustments for technical service expenses in the home market, including those for technicians' salaries, fringe benefits and travel expenses, have not been allowed, but may be granted subsequently if it is shown that these expenses are directly related to the sales under consideration.

Allowances will generally be made for bona fide differences in circumstances of sale in the two markets, including technical services rendered after the sales under consideration. Adjustments for after-sale technical services rendered by a foreign company in its home market for purchasers of its product may be allowable if shown to be directly related to the sales under consideration, rather than a service provided for all potential purchasers. After-sale technical services rendered to customers in the foreign market for advice on items, such as other than those primarily directed to product research and development, is an allowable adjustment and is granted to the extent to which the specific direct costs of the services rendered are documented.

A claim for the limitation of fair value comparisons to transactions involving freight costs was made by counsel for comparable freight costs was made by counsel for Clayburn Industries, Ltd. When freight costs are included in the price, the actual freight costs involved are deducted in calculating either purchase price or home market price. This adjustment therefore has not been allowed.

An adjustment for differences in levels of trade based upon price differentials between contractor and distributor prices as reflected in the United States market, has been requested by counsel for Clayburn Industries, Ltd. When sufficient home market sales information is available to make a reasonable adjustment for a difference in levels of trade, the adjustment is based on this information rather than on sales information relating to United States sales.

e. *Result of Fair Value Comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 90 percent of sales of the subject merchandise to the United States by Clayburn Industries, Ltd., and on approximately 38 percent of such sales by I–XL Industries, Ltd., during their respective periods of investigation. Margins were tentatively found, ranging from 0.025 to 184 percent, for Clayburn Industries, Ltd., on 94 percent of the sales compared, and from 7 to 144 percent for I–XL Industries, Ltd., on 93 percent of the sales compared. The weighted average margin tentatively appears to be between 15–31 percent.

Accordingly, Customs officers are being directed to withhold appraisement of hollow or cored ceramic brick and tile, not including refractory or heat insulat-

ing articles, from Canada, in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addresed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than February 9, 1976. Such request must be accompanied by a statement outlining the issues wished to be discused.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 27, 1976.

This notice, which is published pursuant to section 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective January 28, 1976. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

Dated: January 23, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-2520 Filed 1-27-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

FINANCIAL MANAGEMENT ADVISORY COMMITTEE

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Financial Management Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Financial Management Advisory Committee is to advise the Secretary of the Army on the adequacy of corrective actions underway and assist in identifying other actions which may be necessary to improve the organization and procedures for financial management within the Army's procurement accounts. Specifically, it will advise and assist in developing a financial management process that:

a. Is responsive to the statutes and implementing Congressional, OMB, and OSD directives.

b. Assures that budget input for reimbursable programs is based on sound and supportable requirements.

c. Allocates funds for approved program based on fund availability as reflected in official reports.

d. Assures that reprograming procedures are adequate.

e. Requires accurate and timely reporting on the Army's financial transactions.

f. Establishes a budget execution process that assures that funds are used for the purpose intended and accounted and reported for in the way they were used.

g. Provides the necessary internal checks and balances that assure the soundness of the Army's overall financial management structure and related accounting and reporting.

The goal of the recommendations of the Committee will be to provide improved financial management practices, procedures and organization in the Army's procurement accounts; thereby, it is in the public interest that the Committee be established.

The Committee will meet three to six times during its existence, at times convenient to the majority of the members.

To obtain balanced membership, the Committee will be composed of seven members selected from government, education, and the civilian business community. Members will represent a variety of disciplines involved with financial management. Members will be selected on the basis of their expressed interest in the project and their qualifications and will serve for a period not to exceed 90 days from the date of its first meeting.

The Financial Management Advisory Committee will terminate 90 days from the date of its first meeting unless terminated sooner. There are no existing committees which will duplicate the functions of this Committee.

The Financial Management Advisory Committee will operate in complete accordance with Pub. L. 92-463, the "Federal Advisory Committee Act."

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 23, 1976.

[FR Doc.76-2454 Filed 1-27-76;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday, 18 February 1976—Pomponio Plaza, Rosslyn, Virginia.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

January 23, 1976.

[FR Doc.76-2455 Filed 1-27-76;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Tuesday & Wednesday, 24-25 February 1976.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 23, 1976.

[FR Doc.76-2456 Filed 1-27-76;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 23 and 24 February 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph

(1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 23, 1976.

[FR Doc.76-2457 Filed 1-27-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-3]

KAUFFMAN-LATTIMER CO.

Hearing

Notice is hereby given that on January 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Kauffman-Lattimer Co., Columbus, Ohio, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on October 15, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on March 8, 1976, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: January 22, 1976.

HENRY S. DOGIN,
Acting Administrator
Drug Enforcement Administration.

[FR Doc.76-2497 Filed 1-27-76;8:45 am]

[Docket No. 75-5]

COASTAL PHARMACEUTICALS, INC.

Hearing

Notice is hereby given that on March 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Coastal Pharmaceuticals, Inc., Norfolk, Virginia, Orders to Show Cause as to why the Drug Enforcement Administration should not deny the applications for registration executed July 3, 1974, for renewal of Drug Enforcement Administration registration PC0063646 and DEA registration No. PC0003993 under section 303 of the Controlled Substances Act of 1970 (21 U.S.C. 823).

Thirty days having elapsed since said orders were received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. February 10, 1976, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C.

Dated: January 22, 1976.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-2498 Filed 1-27-76;8:45 am]

Office of the Attorney General

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 USC Appendix I) that the eleventh meeting of the Federal Advisory Committee on False Identification will be held at 9:30 a.m., Thursday, February 12, 1976, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state, and local levels and to recommend measures to prevent such use.

At the plenary session of the February 12th meeting, the Committee will begin voting on suggested solutions to various aspects of the false identification problem. Each agency or organization (or individual if applicable) which is a member of the Committee will have one vote regardless of the number of representatives it sends to the Committee's meetings. An exception will be made only in cases where such a procedure clearly would be unfair. For example, both the Passport Office and the Visa Office of the State Department will have one vote each, despite the fact that both are a part of the State Department. Similarly, both the Social Security Administration and the Division of Vital Statistics, Department of Health, Education and Welfare (HEW), will have one vote, although both are a part of HEW. Any comments on such a voting procedure or objections thereto, should be made in writing to David J. Muchow, at the address below, on or before February 12, 1976. Following the plenary session each of the Committee's five Task Forces will meet separately if the need arises. Finally, a copy of the Committee's membership list is available upon request.

The meeting, which will adjourn at approximately 2:00 p.m., is open to the public. The Committee welcomes a broad spectrum of ideas from the public to assist the Committee in its efforts to protect each citizen's right to privacy and to aid in preventing the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 516, Federal Triangle Building, 315 9th Street NW., Washington, D.C. 20530, telephone (202) 739-3750. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 516, Federal Triangle Building.

RICHARD L. THORNBURGH,
Assistant Attorney General.

[FR Doc.76-2495 Filed 1-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 543]

CALIFORNIA

Notice of Filing of Plat of Survey

JANUARY 19, 1976.

1. A plat of survey of the following described land, accepted September 9, 1975, will be officially filed in the California State Office, Bureau of Land Management, Sacramento, California, effective at 10:00 a.m. on March 5, 1976:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4½ N., R. 24 E.
Sections 31 to 36, inclusive

The area described totals 1,833.89 acres.

The plat represents a survey of the south and east boundaries and the subdivisional lines of the township.

2. Effective September 9, 1975, the date of acceptance of the said plat of survey, title to section 36 vested in the State of California as school grant land.

3. The area surveyed is geographically located within the California desert area. It lies at an elevation of approximately 750 feet. The surface of the land is very broken with deep washes. Vegetation is creosite shrub. The public land is mainly suitable for open space recreation use.

4. Subject to valid existing rights, the public lands are hereby opened to filing of petition, application and selection under the public land laws. All such valid applications received at or prior to 10:00 a.m. on March 5, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.76-2442 Filed 1-27-76;8:45 am]

VALE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Vale District, Bureau of Land Management

Multiple Use Advisory Board, will meet February 25, 1976, at 9:00 a.m. in the conference room of the Vale District office at 365 "A" Street West, Vale, Oregon 97918.

Subjects to be discussed at the meeting include, but are not limited to, a status report on the Ironside grazing environmental impact statement; geothermal and oil and gas environmental analysis records; significant grazing adverse action protests, if any; discussion of proposed ad hoc committees to study resource management problems; presentation of several district action information items; and a period to hear any public comments on resource management concerns and problems within the Vale District.

The meeting is open to the public; any person or group wishing to make a presentation will be limited to 15 minutes and must make their intentions known prior to February 24. The visitor must present a written copy of his statement to the advisory board. They may contact either Robert H. Skinner, Jordan Valley Oregon board chairman, or Grant Baugh, Bureau of Land Management, 365 "A" Street West, Vale, Oregon, (503) 473-3144.

Further information concerning the meeting may be obtained from Grant Baugh, Vale District, Bureau of Land Management.

W. R. PAPWORTH,
Acting District Manager.

JANUARY 15, 1976.

[FR Doc.76-2443 Filed 1-27-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David L. Majors, Route 1, Box 57, Stevensville, Montana 59870.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
the interstate shipment, to me, of those endangered species (pheasants), as listed in inclosure 1 for propagation of that species.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David L. Majors
Rt. 1, Box 57
Stevensville, Montana 59870
(406) 777-3642

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	5 - 8	155
DATE OF BIRTH: May 25, 1943	COLOR HAIR: Brn	COLOR EYES: Brn
PHONE NUMBER WHERE EMPLOYED: (406) 543-3107	SOCIAL SECURITY NUMBER: 534 - 44 -2634	

OCCUPATION: sawmill foreman, game bird breeder

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Rt. 1, Box 57
Stevensville, Montana 59870
interstate shipment, to me, at the above address.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
6-TA-111 6-TX-298

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Montana Game Farm Permit No. 737

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: March 1, 1976

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Five (5) Inclosures 50 CFR 17.22a.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print): David L. Majors
DATE: December 20, 1975

3-200
GPO 895-042

Inclosure 1

The following is a list of the endangered species (pheasants) which I desire to have shipped to me for the purposes of propagation.

Species	Number (in pairs)	Age (in years)
Pheasant, Bar-tailed (*Syrmaticus humiae*)	2	1
Pheasant, Brown-eared (*Crossoptilon mantchuricum*)	2	1
Pheasant, Edwards (*Lophura edwardsi*)	2	1
Pheasant, Mikado (*Syrmaticus mikado*)	2	1
Pheasant, Swinhoe's (*Lophura swinhoii*)	2	1

The following information is submitted as attachments as required by 50 CFR 17

17.22a(1) Provided above.
17.22a(2) The above will all be captive born birds.
17.22a(3) All of the above pheasants will be purchased as captive born stock, thus there will be no death or removal from the wild of any of the above.
17.22a(4) All of the above pheasants will be birds born in the United States of America.
17.22a(5) All of the above pheasants will be kept at my residence located at Rt. 1, Box 57, Stevensville, Montana 59870 Ravalli County T8N, R19W, Sec. 4.
17.22a(6)(i) Inclosure 2.
17.22a(6)(ii) Inclosure 3.
17.22a(6)(iii) Inclosure 4.
17.22a(6)(iv) All of the above will be shipped via air in containers approved by the carrier that provide for the protection and safe delivery of the pheasant.
17.22a(6)(v) Enclosure 5.
17.22a(7) None. I can not legally acquire the above pheasants without the issuance of the permit I am applying for.
17.22a(8)(i) The interstate shipment, to me, of the above listed, captive born pheasants.
17.22a(8)(ii) The above will be purchased and shipped to me, via air, for the propagation of that species at my residence.
17.22a(8)(iii) The above pheasants will be used for the enhancement of that species thru captive propagation.
17.22a(8)(iv) I do not plan to terminate my activities in raising birds. If such occurrance should ever happen it would be in accordance with any applicable federal or state regulations.

Inclosure 2

I also have 16' by 16' pens and 16' by 32' pens with the same construction. As of this date I have the following pens: 20 8' by 16', 6 16' by 16', 4 16' by 32'.

In addition I have six 16' by 16' pens with attached 8' by 16' totally enclosed building. One 40' by 60' pen with top over a 20' by 25' pond for my ornamental waterfowl. Five 16' by 80' pens for Ringneck pheasants.

Inclosure 3

I have the following related experience: BS in Wildlife Technology (University of Montana, June 1965). I have always had a keen interest in raising and propagating ducks, geese, and pheasants. This past year (1974) I was finally able to purchase 20 acres where I now reside, which enabled me to start actually raising the birds. I have the advice and help of my father-in-law, Mr. Virgil Fite, who has been engaged in

raising pheasants and other birds for the past 30+ years. I am a member of the American Game Bird Breeders Cooperative Federation whose purpose is to "establish and preserve the game birds of the world in captivity in their pure forms."

Inclosure 4

I am willing to participate in a cooperative breeding program and to maintain such records as are necessary to insure the preservation of the species listed in Inclosure 1.

Inclosure 5

Summary of Mortalities

1 Reeves pheasant—died of unknown causes. This cock was purchased during the moulting period and turned out to be a very poor specimen, which died later in the fall. I had an excellent hatch of Reeves this past Spring and I am in the process of selling my surplus stock.

2 Yellow Golden Pheasants—killed by a skunk. These birds were killed prior to the time I buried the 1'' poultry netting around my pens. Since that time I have not lost any birds to skunks.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 27, 1976 will be considered.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service.

[FR Doc.76-2499 Filed 1-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David J. Rollins, Way-Rena Game Preserve, D.S., Altamont, Utah 84001.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Obtain Palawan Peacock Pheasants from captive stock for research in the habits, courtships, propagation of an endangered species. For breeding in captivity to preserve the Palawan from total extinction.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mr. David J. Rollins
Way-Rena Game Preserve, D. S.
Altamont, Utah 84001
Telephone 801 363-3737

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 11" WEIGHT: 195 lbs.
DATE OF BIRTH: Jan. 4, 1940 COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 328-8831 SOCIAL SECURITY NUMBER: 528-50-3121
OCCUPATION: Professional Firefighter
NAME, BUSINESS, ADDRESS, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N/A

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Not Applicable
NAME, TITLE AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Three miles southeast of Altamont, Utah (Mt. Emmons area). It is located on the property of Orrin Myers. (Orrin Myers is my step-father)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licence or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Utah State Division of Wildlife Resources Propagating Permit Pwf-C-443

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
None required
$

10. DESIRED EFFECTIVE DATE: Feb. 1, 1976

11. DURATION NEEDED: 3 to 7 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): David J. Rollins
DATE: January 3, 1976

3-200
16/741

JANUARY 3, 1976.

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Services,
P.O. Box 19183,
Washington, D.C.

DEAR SIR: Enclosed please find our application for a permit to obtain Palawan Peacock Pheasants.

As a matter of information, we reside in Salt Lake City but our birds and all business pertaining to our birds is done with our Altamont address.

We look forward to hearing from you in the very near future.

Sincerely,

DAVID & STONEY ROLLINS.

#12. Attachments - 17.22

1. Palawan Peacock Pheasant - Polyplectron - Emphanum
I would like a permit to obtain two birds - one 1973 hatch male and one 1975 hatch female - from captured stock already in the United States, selling in interstate commerce from Dr. Michael & Mary Dam, P.O. Box 97, Haines City, Florida 33844; and Mr. Francis Billie, Jr., 4935 Doreen, Temple City, California 91780. The female will come from Dr. Dam and the male from Mr. Billie.

2. Years ago, the original breeding pairs were removed from the wild and now all the birds are hatched from captive stock.

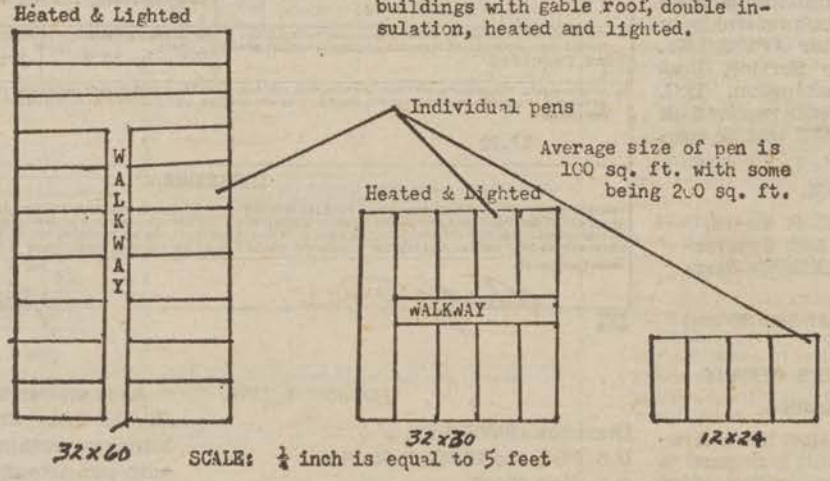
3. The birds I propose to purchase are captive Palawans in the United States and will not cause death, removal or any difference in the wild stock of the Phillippine Islands.

4. The Palawan Peacock Pheasants I propose to purchase are from captive stock already in the United States, and have been for several generations. The captive stock is being raised at the Tru-Li D Farms, Dr. Michael & Mary Dam, P.O. Box 97, Haines City, Florida 33844; and at the residence of Mr. Francis Billis, Jr., 4935 Doreen, Temple City, California 91780

5. The location and address of my pens is Altamont, Utah 84001. The exact location is three miles southeast of the town of Altamont in Mt. Emmons on the property of Orrin Myers. Orrin Myers is my step-father.

The pens are frame buildings completely heated and insultated for winter and cool in the summer. The buildings are 32 foot by 60 foot and are kept at a fairly constant temperature. I'm a well known breeder of pheasants throughout the United States and would like to have a chance with the Palawan Peacock Pheasant.

6. Drawings:
Each building has individual outdoor flight pens. They are enclosed buildings with gable roof, double insulation, heated and lighted.



SCALE: ¼ inch is equal to 5 feet

Attachments: 17.22 continued

6.

I. The buildings are double insulated, heated, and lighted frame buildings with composition roof. They are equipped with 35,000 BTU heaters on thermostats. One more large pen is planned to be built in the Spring, 1976, to measure 32 x 60

II. I have about seven years of breeding care and propagation of many types of rare pheasants. I have had a magazine article written on my propagation techniques on raising these birds for distribution around the world. Some of the species of pheasants I have are:

Grey Peacock Pheasant
Germain's Peacock Pheasant
Temminck Tragopan
Elliots
Sonnerat Junglefowl
Goldens
Amhersts

III. I already have an excellent breeding program and keep very distinct and exact records which will help enable me to conform to your program. I would also be very willing to contribute and help your department in any way I can and to contribute data to your studbook.

IV. The bird shipped by Dr. Dam will be shipped in a special container (plastic) about 30 inches long, 12 inches wide, and 14 inches high. The container will have feed and water for the bird. The bird will be shipped by air and will take approximately 12 hours for delivery.

The bird from Mr. Billie will be shipped in a wood box approximately 12 inches high, 12 inches wide and 18 inches long. The container will have feed and water for the bird. The bird will be shipped by air and will take about 3 hours for delivery.

V. All pheasants at Way-Rena Game Preserve, D.S., are treated for disease and illness. Pens are cleaned and disinfected and have never had even a one percent loss in a given year. We will and do keep individual records on all our pheasants. I have 6 Grey and 6 Germain's Peacock Pheasants of which I have not lost a bird.

7. The person applying for the permit:

David J. Rollins
Way-Rena Game Preserve, D.S.
Altamont, Utah 84001
Phone 801 363-3737

I would like to purchase the Palawans from:

Dr. Michael & Mary Dam
P.O. Box 97
Haines City, Florida 33844

Mr. Francis Billie, Jr.
4935 Doreen
Temple City, California 91780

Attachments: 17.22 continued

7. If the permit is approved, the shipment will be within 10 days upon receipt of the permit.

I have talked to these people on the telephone, and we have a "Gentlemens" agreement to these sales.

8. I. I would like to do research on the habits, breeding in captivity, growth, life span, and the propagation of an endangered specie of pheasants to help the bird from becoming totally extinct. In my opinion, the Palawan is one of the most beautiful pheasants of the world.

II. Records will be kept on each individual bird from the time received until it is disposed of, making special note of its parents. The young will be recorded in the following ways: records will be kept on each egg layed by writing the pen number on each one as they are gathered. They will be placed into an incubator and incubation time will be noted on the record. Upon time for the pheasant to hatch, they will be placed in individual trayes (according to pen number) in the hatcher. After hatching, they are color coded on the stomach with food coloring and also with a colored leg band. This enables us to know the ancestry of each chick and prevent inbreeding.

Photos will be taken every 7 days to record growth rate. Movies will be taken of courtship dances, displays, and any other sequence of scientific interest. Measurements and weights will be taken at different growth rates and of mature birds. Eating habits and specific diet will also be monitored.

We do all of this for the other peacock pheasants we already have in our possession. We hope to raise some Palawans so that more people can see and enjoy this magnificate bird.

III. I sincerely hope that in the above paragraphs I have given you the information necessary and needed for this permit, and as I have planned for enhancing the propagation and research of Palawans. If it is not enough or you would like more information, I would be happy to furnish it upon your request.

IV. I hope there will be no termination for years to come. If such a thing were to happen, I most likely would give my birds to a well-equipped and well-known breeder, avairy or zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 27, 1976 will be considered.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service.

[FR Doc.76-2506 Filed 1-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: J. N. "Ding" Darling, National Wildlife Refuge, Post Office Drawer B, Sanibel, Florida 33957. Glen W. Bond, Jr., Refuge Manager.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
TO BAND BROWN PELICANS

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
J. N. "DING" DARLING NWR
P.O. Box B
Sanibel Fla 33957

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: N/A
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
NATIONAL WILDLIFE REFUGE
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
GLEN BOND, JR., REFUGE MANAGER, 472-1100
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
PINE ISLAND SOUND AND TAMPA BAY, FL

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
20120

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
JULY 1, 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
N/A

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Glen W. Bond Jr. DATE JUNE 23, 1975

3-200 (6/74)

DECEMBER 5, 1975.

U.S. DEPARTMENT OF THE INTERIOR,
Fish and Wildlife Service, Division of Law Enforcement—Permits, P.O. Box 19183, Washington D.C.

DEAR MR. SIMS: The information which follows and is needed to complete the application for Permit 3–200 (Brown Pelican) was taken from the FEDERAL REGISTER dated May 9, 1975. I assume, since I do not have the CFR dated September 26, 1975, that these are the same requirements.

I will address the various points as they appear in section 17.22.

(1) The Brown Pelican (*Pelecanus occidentalis*) becomes sick or injured and members of the general public call the refuge staff to come get it. These birds vary in age, sex, and numbers. Since there are no facilities, money, or personnel to take care of these birds they are merely taken from the public eye and returned to nature. At present there is no wildlife care and rehabilitation center in the area, but if there is in the future, I will take the pelicans to it, provided the center is properly permitted.

(2) The birds are in the wild.

(3) Because the birds are sick or injured, they are easily caught by hand.

(4) All the birds handled by the refuge staff are in Lee County, Florida.

(5) Answered in No. 1.

(6) The pelicans are transported after capture in a large cardboard box to the area of release. On occasion the bird may be in such poor condition that it dies enroute. Handling is done by the refuge manager, assistant refuge manager, or biological technician.

(7) N/A

(8) I think the points have been answered in the above statements. I hope this is sufficient information.

Sincerely,

GLEN W. BOND, JR.,
Refuge Manager.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 27, 1976 will be considered.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement Fish and Wildlife Service.

[FR Doc.76–2501 Filed 1–27–76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: USDA Forest Service, S.E. Forest Experiment Station, Department of Forestry, Clemson University, Clemson, South Carolina 29631. Michael R. Lennartz.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permission is requested to band (with Fish and Wildlife Service bands and colored plastic bands) Red-cockaded Woodpecker (Dendrocopos borealis) nestlings and adults for scientific research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Project FS-SE-1702
USDA Forest Service
S.E.Forest Experiment Station
%Dept. of Forestry,Clemson Univ.
Clemson,S.C. 29631

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
As a Wildlife Research Work Unit of the S.E. Forest Experiment Station, USDA Forest Service, the unit's mission is to conduct research on endangered, threatened and nongame wildlife in southern forests.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 803-656-3284
Michael R. Lennartz,Project Ldr.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
In the states of South Carolina and North Carolina. Principal study areas are on the Francis Marion and Sumter National Forests in South Carolina.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)
Presently applying for banding permit.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)
Application for state banding permits pending approval of this request.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: March 1,1976

11. DURATION NEEDED: Five years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Please see attached summary of proposed research.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) W.R. Lennartz — DATE 12-8-75

3-200
(8/74)

SUMMARY

PROPOSED RESEARCH ON THE HABITAT REQUIREMENTS OF THE RED-COCKADED WOODPECKER

Managers of public and private forests in the South are attempting to manage their lands in such a way as to protect and perpetuate existing populations of Red-cockaded Woodpeckers (*Dendrocopos borealis*). The effectiveness of present management strategies is uncertain, however, because the existing information on Red-cockaded Woodpecker habitat requirements is quite general and incomplete. Most management and research has concentrated on cavity trees and colony sites. While suitable cavity trees are obviously essential, many other aspects of the woodpecker's habitat requirements must be understood before management practices can be developed that insure survival of the species. Our objective is to determine the essential habitat elements selected by Red-cockaded Woodpeckers throughout their home range. Studies are planned to:

1. Quantitatively describe the composition and structure of vegetative communities at active colony sites;

2. Delineate the home range of Red-cockaded Woodpecker clans;

3. Quantitatively describe the vegetative communities selected and avoided as foraging areas by Red-cockaded Woodpeckers;

4. Determine the productivity (number of young fledged) of individual woodpecker clans;

5. Determine if clan productivity varies with habitat variations at colony sites or foraging areas;

6. Determine if clan size affects productivity, and if habitat parameters affect clan size; and

7. Correlate the productivity and habitat utilization of each Red-cockaded Woodpecker clan with selected habitat parameters.

The information derived from these studies is essential for developing habitat management guidelines for protecting and perpetuating this species.

The primary study area will be on the Francis Marion National Forest in Berkeley and Charleston counties, South Carolina. The Francis Marion National Forest has one of the largest concentrations of Red-cockaded Woodpeckers in the South, and thus offers the opportunity for studying a large number of woodpecker colonies under a variety of habitat conditions. Colonies may also be studied on the Sumter National Forest in South Carolina and the Croatan and Uwharrie National Forests in North Carolina to provide comparative data on habitat selection and productivity of Red-cockaded Woodpeckers in different physiographic provinces and different portions of their range.

Three Research Wildlife Biologists and three supporting technicians will be involved in studying 30–50 active Red-cockaded Woodpecker colonies. Plots will be centered around cavity trees to quantitatively describe vegetative composition and structure at colony sites. No destructive sampling procedures will be employed. Adults and nestlings in each colony will be banded with unique combinations of Fish and Wildlife Service aluminum bands and colored plastic bands to facilitate identification of specific clans and individuals. Nesting cavities will be inspected periodically to determine the chronology and success of breeding, nesting, and nestling development. Throughout the year, observers will follow the movements and activities of banded birds, to delineate the clans' home ranges and identify the stands or habitats selected for foraging. After home ranges have been delineated, plots will be established in vegetative communities both selected and avoided by the woodpeckers, and the vegetative composition and structure sampled to quantitatively describe habitat conditions selected by the clans for foraging. Appropriate analytical techniques will be employed to determine the correlations between habitat utilization, clan productivity, and selected stand or habitat parameters. It is anticipated that the studies outlined will extend over the next five years.

EXCERPTS FROM—APPLICATION FOR FEDERAL BIRD MARKING AND SALVAGE PERMIT

13. Indicate States other than your State of residence in which you wish to band birds.

Although our primary research areas are on the Francis Marion and Sumter National Forests in South Carolina, colonies of Red-cockaded Woodpeckers have also been located on National Forests in North Carolina. Wildlife management biologists with the National Forests in North Carolina have asked us to assist them in studying their colonies as our time permits. We anticipate providing some limited research assistance to the Forest Service biologists in North Carolina, and any studies to determine habitat preferences or population density will require color banding to be able to distinguish specific colonies and individuals.

14. Brief resume of experience with mist nets.

1964–1967: In the Dominican Republic, assisted F. H. Armstrong to mist net bats for Dr. Murray Johnson at the University of Puget Sound.

1970: Assisted Dr. Cameron Kepler, U.S. Fish and Wildlife Service, Patuxent Wildlife Research Center, in an attempt to mist net Puerto Rican Parrots.

1971: Assisted Paul W. Sykes, U.S. Fish and Wildlife Service, Patuxent Wildlife Research Center, in mist netting two Puerto Rican Parrots for the captive propagation program for endangered species at Patuxent Wildlife Research Center.

1975: Have observed Mr. T. A. Beckett's techniques for netting Red-cockaded Woodpeckers from cavity trees in his study areas on the Francis Marion National Forest.

16. Auxiliary markers.

In order to carry out the studies outlined in Item 17, it is necessary to be able to identify specific woodpecker clans and individuals within clans. Our plans are to band each

individual woodpecker with a unique combination of one aluminum Fish and Wildlife Service band and one colored plastic band on one leg and two colored plastic bands on the other leg. We plan to study between 30–50 active colonies which could involve banding as many as 250 individual woodpeckers. Consequently, it would be desirable if we could obtain permission to use ten colors of plastic bands.

We are aware of four other researchers who hold, or have applied for, permits to band Red-cockaded Woodpeckers in South Carolina. Dr. Robert McFarlane and Dr. Jerome Jackson plan to color band woodpeckers on the Savannah River Plant near Aiken, S.C. Since the Red-cockaded Woodpecker is a non-migratory philopatric species, and we do not plan to band birds near the Savannah River Plant, there should be no conflict with these researchers. Dr. Gene Wood has applied for a permit to band Red-cockaded Woodpeckers on the Hobcaw Barony north of Georgetown, S.C. Since Dr. Wood's study area is approximately 25 miles north of our closest study area, and since he does not plan to color band birds, we anticipate no conflict. Mr. T. A. Beckett is color banding Red-cockaded Woodpeckers on the Francis Marion National Forest in, and adjacent to, colonies we plan to study. Mr. Beckett has provided us with his color banding scheme and records, and we will provide him with ours, so we anticipate coordination and cooperation rather than conflict.

17. Brief outline of proposed research.

The Red-cockaded Woodpecker (*Dendrocopos borealis*) is listed as an endangered species, because its preferred habitat, old-growth stands of southern pine, has steadily diminished as timber management has become more intensive and rotations shortened. A number of forestry organizations, both public and private, are attempting to manage their forest properties in such a manner as to protect existing populations of Red-cockaded Woodpeckers. It is impossible, however, to assess or predict the effects of alternative forest management strategies on woodpecker populations, because the available data on woodpecker habitat requirements is quite general and incomplete. Our research objective is to determine the essential habitat elements selected by Red-cockaded Woodpeekers throughout their home range. Studies are planned to:

1. Quantitatively describe the vegetative composition and structure at active colony sites;

2. Delineate the home range of Red-cockaded Woodpecker clans;

3. Quantitatively describe the vegetative types selected by Red-cockaded Woodpeckers for foraging;

4. Determine the number of birds fledged in each clan; and

5. Correlate the productivity (number of young fledged) and habitat utilization of each Red-cockaded Woodpecker clan with selected forest stand or habitat parameters.

This information is essential for developing habitat management guidelines for protecting and perpetuating this species. Our primary study area, will be on the Francis Marion National Forest in South Carolina. The Francis Marion has one of the largest concentrations of Red-cockaded Woodpeckers in the South, and thus offers the opportunity for studying a large number of woodpecker colonies under a variety of habitat conditions.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 27, 1976.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-2502 Filed 1-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Bever Park Zoo, 2700 Bever Avenue, S.E., Cedar Rapids, Iowa 52406, Elmer T. Delaney, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Mark only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Ship two(2) male leopards in interstate commercial activity for one (1) female leopard to be used with our remaining one male leopard for breeding in captivity.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Bever Park Zoo
2700 Bever Avenue S.E.
Cedar Rapids, Iowa 52406
Phone (319) 398-5080

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Bever Park Zoo, owned by City of Cedar Rapids, Iowa for amusement and entertainment for audiences, including zoological exhibitions.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Feline house at Bever Park Zoo. See enclosed drawing of the leopards' quarters. Cougars are in the joining cage to the North. (1 pair) Lions in the joining cage to the south (1 pair).

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☒ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
March 1, 1976

11. DURATION NEEDED
Until we find a female leopard & trading is complet

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
§1722 for the enhancement of propagation. Additional information attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Original only) Elmer T. Delaney | DATE 12-17-75

3-200
16/74

GPO 895-042

ADDITIONAL INFORMATION ASKED FOR IN 17:22

1. Leopards (Panthera Pardies) two males, three years old to be traded for one female leopard (Panthera Pardus) for breeding purposes at Bever Park Zoo, 2700 Bever Avenue, Cedar Rapids, Iowa.

2. The male leopards (Panthera Pardus) we wish to trade were born in captivity. The female we trade for will be born in captivity.

3. We are not attempting to take a leopard (Panthera Pardus) from the wild.

4. Born at the Barnes Zoo, U.S.A.

5. The female leopard will be housed along with our one remaining male (we now have three males, no females) at the Bever Park Zoo, 2700 Bever Avenue, Cedar Rapids, Iowa 52403. The leopard cage including the patio and the run is 80 feet by 20 feet automatic water boxes. Well lighted forced air heat in winter, forced fresh air in summer and is owned by the City of Cedar Rapids, Iowa.

6. 1. Diagram of leopard cage enclosed.

2. The Park Director, Elmer T. Delaney, has 29 years experience in all phases of different species of wildlife found in zoos. The Zookeeper, Leo Prather, has nine years experience in all phases of caring for zoo animals, plus being raised on a farm.

3. It is our desire to start a breeding program and we are willing to keep a stud book.

4. During transportation each of the leopards will be in an expanded metal cage (heavy ga.) measuring 54" x 36" x 36". They will be watered (fresh) every two or three hours depending on the temperature and fed well before caging and again in four or five hours if not at our destination by then. If any distance not covered in four or five hours, the leopards will be watered and fed as stated. The leopards will be transported in a 1975 Chevrolet van, well heated, by our Zookeeper if in a 500 mile radius. If too much over that, they will be shipped by air.

5. None.

7. The leopards will be on exhibit at the above named location. We feel that in the future the survival of the species (leopard Panthera Pardus) may depend on the animals in zoo collections such as ours. See enclosed letter and our latest inspection report.

NOVEMBER 6, 1975.

To Whom It May Concern:

The staff of the Cedar Rapids Beaver Zoo have the experience and facilities to adequately undertake the attempted propagation of a pair of leopards. By donating two males to another facility and getting one female in return they will be able to commence this program. In my opinion the facility should be granted a permit to facilitate it.

DEAN C. FREY D.V.M.,
1823 16th Ave. SW.,
Cedar Rapids, Iowa.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 27, 1976 will be considered.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-2503 Filed 1-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613, Mr. William H. Julian, Refuge Manager.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit needed to live trap and releasing at captive site Delmarva Fox Squirrel (Sciuvus niger cinereus) and mark by ear tags, ear tatooed for life history and habitat studies.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Blackwater National Wildlife Refuge
Rt. 1, Box 121
Cambridge, Maryland 21613

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
National Wildlife Refuge operated within guidelines approved by U.S. Fish and Wildlife Service.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Wm. H. Julian, Refuge Mgr. 301 - 228-2677

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Blackwater National Wildlife Refuge
Rt. 1, Box 121
Cambridge, Maryland 21613

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
Migratory Bird Permit 4-SC-325

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Permit from State of Maryland

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
January 1, 1976

11. DURATION NEEDED
February 15, 1978

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Copy of Management Study Outline Attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Wm H Julian
DATE December 8, 1975

3-200 (6/74)

DECEMBER 29, 1975.

To: Director (FWS/LE), Washington, D.C.
From: Acting Refuge Manager, Blackwater NWR, Cambridge, Maryland.
Subject: Additional Information Requested for Federal Fish & Wildlife License/Permit.

Following your 12/23/75 memo we are supplying the information requested in 50 CFR 17.22 pertaining to our request for a Federal Fish & Wildlife License/Permit.

17.22 (1) Delmarva Fox Squirrel (*Sciuvus niger cinereus*) are to be live trapped, marked by ear tag and tattoo and released at the capture site according to the refuge management study approved by the regional director. No preference will be made as to age or sex. Animals will be trapped and marked until the capture-recapture method indicates that approximately 30% of the population in the study area has been marked.

17.22 (2) The wildlife sought are in the wild.

17.22 (3) Squirrels will be obtained by using box type live traps. The squirrels will be anesthetized briefly using metofane following the technique used successfully by Dr. Vagn Flyger, University of Maryland, College Park, Maryland, and permanently marked with ear tags and ear tattoo. The use of metofane has reduced Dr. Flyger's trapping mortality due to shock to zero. When the squirrel recovers from the drug (this usually takes from five to ten minutes) he will be released.

17.22 (4) Not applicable.

17.22 (5) Wildlife captured during this study will be released immediately back into the area they were trapped from. The refuge management study states that when the Refuge population census indicates that a surplus of animals exists that animals may be transplanted onto areas that will support a population of the Delmarva Fox Squirrel. The optimum carrying capacity of the Refuge lands will be determined by this study. The transplant sites will be chosen from potential areas selected by the Delmarva Fox Squirrel recovery team. The squirrels will be immediately removed from the traps and taken to the transplant site. The animals will be held several days in a large holding cage with food, water and wooded boxes provided for cover. After several days of observation to insure that the animals are healthy they will be released. State and Refuge personnel will work cooperatively to insure the success of the transplant.

17.22 (6i) The trapping program will be carried out on the lands of the Blackwater National Wildlife Refuge, Dorchester County, Maryland.

17.22 (6ii) Three of the four people conducting the study have trapped Delmarva Fox Squirrel for two years under a previous study. Mr. William Julian, the team leader, is presently serving on the Delmarva Fox Squirrel recovery team.

17.22 (6iii) Not applicable to this study.

1722. (6iv) When the squirrels are held for transplant they will be placed in a wood and metal cage 4' x 3' x 8' with 4 wooden boxes for cover and food and water provided as required. No more than four squirrels will be held in the cage at one time.

17.22 (6v) Squirrels have been trapped during the two previous years. We have handled 60 squirrels without a trapping mortality.

17.22 (7) A copy of the approved refuge management study has been sent to you with the application for the permit.

17.22 (8i) As explained in detail in the refuge management study plan Refuge personnel will live trap Delmarva Fox Squirrel on the Blackwater National Wildlife Refuge and mark each animal by ear tag and tattoo. As the squirrels are recaptured information on population dynamics, habitat preference, and response to habitat changes will be recovered.

17.22 (8ii) The details of the operation are explained in the refuge management study.

17.22 (8iii) This study will increase the scientific knowledge of the life history and habitat preference of the Delmarva Fox Squirrel. The information gained by the study will be used to draw up management guidelines to aid the Refuge, the Delmarva Fox Squirrel recovery, and other interested organizations in enhancing the survival of this endangered species. In addition, if management techniques are created that increase the population on the Refuge animals may be re-introduced onto other areas.

17.22 (8iv) Squirrels trapped will be either immediately released or transplanted to re-introduction sites. The study does not call for the Refuge personnel to hold animals for more than several days during the re-introduction projects.

GEORGE M. CONSTANTINO,
Acting Refuge Manager.

WILDLIFE MANAGEMENT STUDY OUTLINE

BLACKWATER NATIONAL WILDLIFE REFUGE

1. *Title of study*—Continuation of Census Evaluation, Habitat Analysis and Timber Stand Improvement effects on Delmarva fox squirrel (*Sciurus niger cinereus*) populations. The area of study is the 52 acre Egypt Road tract.

2. *Objectives.*

A. To accurately determine the existing population of the Delmarva fox squirrel on one major type of Blackwater Refuge woodland. The tagging which was conducted in 1970 should give us important data as to numbers of tagged squirrels compared to reproduction since tagging. Therefore, it will be necessary to live trap the entire 52 acres.

B. To gather base data for population comparison in the TSI area of the block as to adjacent woodland area.

C. To analyze the present squirrel censusing method consisting of the time area count and the leaf nest count system.

3. *Justification.*

The Delmarva fox squirrel (*Sciurus niger cinereus*) is a large grayish colored tree squirrel, inhabiting the State of Maryland. Extinct over most of its former ranger, it is now confined to portions of four counties on the Eastern Shore of Maryland. This particular subspecies of the fox squirrel has been placed on the rare and endangered list by the United States Department of the Interior (1970). The State of Maryland has prohibited hunting of this squirrel since 1971.

To provide criteria for acquiring additional lands for the squirrel, we must determine what squirrel densities occur in different types of woodlands and which is better habitat for survival of the Delmarva fox squirrel. The refuge population in the 52 acre Egypt Road block affords us this opportunity.

It will also provide data for use by the Delmarva squirrel recovery team in evaluating possible restocking programs.

There were 15 squirrels in this area, ear tagged in 1970. Recovery data on these and the tagging of younger squirrels will give some base population data that is not now available.

4. *Procedure.*

A. Literature review—Leon Rhode's study (1st report) except for the following:

(1) No color dye will be used on the squirrels during the trapping program.

(2) Trapping period will be terminated January 31, 1975, due to the breeding season.

B. Data Collecting—

(1) Old transect lines will be used as shown in exhibit No. 1 of Mr. Rhode's report.

(2) Trapping of the entire unit will take place with the use of 10" x 12" x 32" live traps.

(3) Number 1 ear tags (one each ear) will be used on all unmarked Delmarva fox squirrels. Squirrels will also be tatooed.

(4) All tagged squirrels (1970 program) will be released after location data is recorded.

(5) Traps will be checked at least twice a day.

C. Data analysis and interpretation—All collected data will be compared with the 1970 tagging program.

5. *Cooperators*—None.

6. *Responsibility*—Biological Technician. Guy W. Willey will be directly in charge of the project assisted by members of the staff.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or befor February 27, 1976 will be considered.

Dated: January 23, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-2504 Filed 1-27-76;8:45 am]

[INT FES 76-3]

SOUTHWESTERN POWER ADMINISTRATION

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Southwestern Power Administration has prepared a final environmental statement covering its General Construction and Maintenance Program.

Copies of the final environmental statement are available for inspection in the Office of Assistant Secretary—Energy and Minerals, U.S. Department of the Interior, Room 6654, Interior Building, "C" Street, between 18th and 19th Streets, NW., Washington, D.C., 20240, and in the Office of the Administrator, Southwestern Power Administration, Room 3402, Page Belcher Federal Building, 333 West 4th Street, Tulsa, Oklahoma, 74101.

A limited number of single copies are available and may be obtained by writing to the Administrator, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma, 74101.

Dated: January 22, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-2447 Filed 1-27-76;8:45 am]

Geological Survey

NAVAJO LAKE, UTAH

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974:

(44) UTAH
NAVAJO LAKE KNOWN GEOTHERMAL RESOURCES AREA
SALT LAKE MERIDIAN, UTAH

T. 38 S., R. 8 W.,
Secs. 3 to 5, inclusive;
Sec. 9.
The area described aggregates 2,522 acres, more or less.

Dated: January 7, 1976.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc.76-2445 Filed 1-27-76;8:45 am]

RUBY VALLEY HOT SPRING, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Ruby Valley known geothermal resources area, effective April 1, 1974.

(28) NEVADA

RUBY VALLEY KNOWN GEOTHERMAL RESOURCES AREA MT. DIABLO MERIDIAN, NEVADA

T. 31 N., R. 59 E.,
Secs. 2, 3, 10, 11, 12, 13, 15
T. 32 N., R. 59 E.,
Secs. 34, 35
The above area aggregates 5,742.81 acres (2,297.12 hectares), more or less.

Dated: November 26, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.76-2446 Filed 1-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., February 12, 1976, in the Chablis Room of the Rodeway Inn, 2220 Tulare Street, Fresno, California.

The purpose of the meeting is to: Review minimum grade and condition standards for raisins, amendments to the marketing order, producer representation on the Board, and other miscellaneous program matters; and hear from industry representatives on meetings with U.S. Department of Agriculture officials in Washington, D.C.; and from industry representatives on meetings with the Japanese dried fruit industry. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5666.

Dated: January 23, 1976.

IRVING W. THOMAS,
Acting Administrator,
Agricultural Marketing Service.

[FR Doc.76-2469 Filed 1-27-76;8:45 am]

Animal and Plant Health Inspection Service

SALMONELLA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Salmonella Advisory Committee will be held on February 25, 1976, beginning at 9 a.m. in Room 218A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of this Committee is to advise and make recommendations to the Secretary of Agriculture regarding ways to reduce Salmonella contamination of meat and poultry products. Matters to be discussed include organization of subcommittees, reports from Salmonella task force activities, and other matter relating thereto.

This meeting is open to the public but space and facilities are limited. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to the meeting may be obtained from William H. Dubbert, Room 2165-South, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250 (Telephone: 202/447-3840.)

Dated: January 23, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76-2563 Filed 1-27-76;8:45 am]

Forest Service

MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Malheur National Forest Grazing Advisory Board meeting of January 27, 1976 has been rescheduled for February 18, 1976 at 2 p.m., at Malheur National Forest Headquarters, 139 N.E. Dayton Street, John Day, Oregon 97845.

Dated: January 21, 1976.

DAN E. WILLIAMS,
Forest Supervisor.

[FR Doc.76-2438 Filed 1-27-76;8:45 am]

MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Malheur National Forest Grazing Advisory Board will meet at 2 p.m., February 18, 1976 at Malheur National Forest Headquarters, 139 N.E. Dayton Street, John Day, Oregon 97845.

The purpose of this meeting is the annual meeting of the Board and to discuss the operation of Grazing Systems and the use of Criteria for Allowable Use on the Malheur National Forest during the 1976 grazing season.

The meeting will be open to the public. Persons who wish to attend should notify Fred Livingston, Advisory Board President, Long Creek, Oregon 97856, telephone number 503-934-2288. Written statements may be filed with the committee before or after the meeting.

Those attending as public members may speak up at anytime unless other rules are announced by the President at the beginning of the meeting.

Dated: January 19, 1976.

DAN E. WILLIAMS,
Forest Supervisor.

[FR Doc.76-2439 Filed 1-27-76;8:45 am]

Office of Equal Opportunity

CITIZENS ADVISORY COMMITTEE ON CIVIL RIGHTS

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 STAT. 770-776), notice is hereby given that a public meeting of the USDA Citizens Advisory Committee on Civil Rights will be held on February 17-18, 1976, Room 2-W, Administration Building, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250. The meeting will convene at 9:00 a.m. on each day and adjourn at 12:00 noon on February 18, 1976. The meeting is open to the public.

The purpose of the meeting is to discuss certain Equal Opportunity matters with USDA officials.

Further information concerning this meeting may be obtained by contacting the Director, Office of Equal Opportunity, Washington, D.C. 20250. Interested per-

sons may file written statements with the committee before or after the meeting.

Done at Washington, D.C. this 22nd day of January, 1976.

MILES S. WASHINGTON, Jr.,
Acting Director,
Office of Equal Opportunity.

[FR Doc.76-2440 Filed 1-27-76;8:45 am]

Soil Conservation Service

FARM BROOK WATERSHED PROJECT, CONN.

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Farm Brook Watershed Project, New Haven County, Connecticut, USDA-SCS-EIS-WS-(ADM)-75-2-F-CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work, one water control structure, and recreation facilities at Site 1. The channel work will involve the enlargement of 4,000 feet of existing channel. The recreational facilities will complete the recreational development at Site 1. This development is adequate to accommodate 41,000 visitor-days of recreation annually.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: January 19, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.76-2389 Filed 1-27-76;8:45 am]

McNAIRY-CYPRESS CREEK WATERSHED, TENN.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the McNairy-Cypress Creek Watershed project, McNairy County, Tennessee, USDA-SCS-EIS-WS-(ADM)-75-1(F)-TN.

The EIS concerns a plan for watershed protection, flood prevention, industrial water supply, and recreation. The planned works of improvement provide for conservation land treatment; 18 floodwater retarding structures; 2 multipurpose structures—flood prevention with recreation and industrial water supply for Selmer and flood prevention with recreation for Ramer, with basic recreation facilities for each structure. The plan also provides for modification of the principal spillways on the 18 floodwater retarding structures to preserve and replace waterfowl habitat and 4.78 miles of channel work with levees and water control devices to provide seasonal flooding of about 1,000 acres of land for waterfowl habitat mitigation. The channel work will involve bank clearing and debris and sand removal on previously modified channel having perennial flow.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to file single copy requests:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services.)

Dated: January 21, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-2391 Filed 1-27-76;8:45 am]

SHUQUALAK CREEK WATERSHED PROJECT, MISS.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Shuqualak Creek Watershed project, Noxubee and Kemper Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-3(F)-MS.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvements provide for conservation land treatment, two floodwater retarding structures, and channel work. The channel work will involve 2.1 miles of channel enlargement and 3.1 miles of channel alignment on channels with ephemeral flow characteristics.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: January 21, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.76-2392 Filed 1-27-76;8:45 am]

SOUTH FORK WATERSHED, ARK.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environment Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the South Fork Watershed Project, Montgomery County, Arkansas, USDA-SCS-EIS-WS-(ADM)-75-2(F)-AR.

The EIS concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement provided for conservation land treatment, supplemented by two single-purpose floodwater retarding structures and one multipurpose structure (flood prevention and municipal and industrial water supply).

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, Arkansas 72203

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services.)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-2390 Filed 1-27-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given of an additional routine use for USDA/FCIC-3, Crop Insurance Actuarial Listing. This routine use was inadvertently omitted when the system notice was originally published in the FEDERAL REGISTER 40 FR 38929 (August 27, 1975).

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit

written comments on this routine use. Comments may be submitted to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250. All comments must be received by the thirtieth day following the date of publication of this notice.

In consideration of the foregoing, notice is hereby given of the addition of the following routine use to USDA/FCIC–3, Crop Insurance Actuarial Listing:

(3) Information in the system of records is on file and available to the public for inspection in the Office for the County.

Dated: January 23, 1976.

[SEAL] EARL L. BUTZ,
Secretary.

[FR Doc.76-2478 Filed 1-27-76;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT–APPL– number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M Street, SW, Washington, D.C.

Patent application 507,515: Dry Sorbent Process for the Simultaneous Removal of Sulfur and Nitrogen Oxides, filed 19 September 1974. PC$3.50/MF$2.25.

Patent application 552,836: Control System for a Fluidized Bed Boiler Power Plant, filed 25 February 1975, PC$3.50/MF$2.25.

Patent application 553,199: Activation of Calcium Oxide as a Sorbent in High Temperature SO2 Removal Processes, filed 26 February 1975, PC$3.50/MF$2.25.

Patent 3,897,739: Fluid Bed Combustor for Operation at Ash Fusing Temperatures, filed 30 October 1974, patented 5 August 1975; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, D.C. 20240.

Patent application 611,931: Self Cleaning Solids Transferring Fluidized Bed Gas Distributor. Filed 10 September 1975, PC$3.50/MF$2.25.

Patent application 611,952: Water Lubricated Bearing Assembly for Mining Machine. Filed 10 September 1975, PC$3.50/MF$2.25.

Patent application 615,252: Semipermeable Membranes and the Method for the Preparation Thereof. Filed 22 September 1975, PC$3.50/MF$2.25.

Patent 3,829,309: Process for Smelting Ilmenite to Produce Pig Iron and Titania-Containing Slag. Filed 6 June 1972, patented 13 August 1974. Not available NTIS.

Patent 3,840,354: Three-Stage Gasification of Coal. Filed 23 March 1972, patented 8 October 19. Not available NTIS.

Patent 3,840,456: Production of Low-Sulfur Fuel from Sulfur-Bearing Coals and Oils. Filed 20 July 1972, patented 8 October 1974. Not available NTIS.

Patent 3,842,806: Predator Protection Collar for Livestock. Filed 24 October 1973, patented 22 October 1974. Not available NTIS.

Patent 3,843,540: Production of Magnetic Fluids by Peptization Techniques. Filed 26 July 1972, patented 22 October 1974. Not available NTIS.

Patent 3,844,733: Two-Stage Downflow Gasification of Coal. Filed 23 March 1972, patented 29 October 1974. Not available NTIS.

Patent 3,857,767: Recovery of Copper from Chalcopyrite Ore Concentrates. Filed 7 June 1974, patented 31 December 1974. Not available NTIS.

Patent 3,862,292: Recovery of Rhenium. Filed 24 August 1973, patented 21 January 1975. Not available NTIS.

Patent 3,862,313: Vibrio Vaccine and Immunization. Filed 17 January 1974, patented 21 January 1975. Not available NTIS.

Patent 3,868,509: Method of Stabilizing Single Channel Analyzers, filed 5 December 1973; patented 25 February 1975; not available NTIS.

Patent 3,871,906: Process for Making Particulate Self-Destructing Pesticidal Compositions, filed 11 October 1973; patented 18 March 1975; not available NTIS.

Patent 3,873,307: Process for the Preparation of Yttrium-Silicon Compounds or Master Alloys by Silicon Carbide Reduction of Yttria, filed 5 November 1973; patented 25 March 1975; not available NTIS.

Patent 3,875,777: Reduction of Copper-Caused Surface Cracking of Steel During Hot-Working. Filed 11 July 1973, patented 8 April 1975, not available NTIS.

Patent 3,881,478: Hard Hat Air Curtain. Filed 13 June 1974, patented 6 May 1975, not available NTIS.

Patent 3,890,007: Chemical Mining of Copper Porphyry Ores. Filed 7 February 1974, patented 17 June 1975, not available at NTIS.

Patent 3,891,430: Recovery of Lead. Filed 25 June 1973, patented 24 June 1975, not available NTIS.

Patent 3,902,973: Electrolytic Preparation of Lanthanide and Actinide Hexaborides Using a Molten, Cryolite-Base Electrolyte. Filed 4 October 1973, patented 2 September 1975, not available NTIS.

Patent 3,904,386: Combined Shift and Methanation Reaction Process for the Gasification of Carbonaceous Materials. Filed 26 October 1973, patented 9 September 1975, not available NTIS.

U.S. DEPARTMENT OF THE NAVY,
Assistant Chief for Patents,
Office of Naval Research,
Code 302,
Arlington, Va. 22217.

Patent 3,818,802: Speed Control Mechanism. Filed 27 April 1972, patented 25 June 1974, not available NTIS.

Patent 3,818,958: Self-Locking Holdback Cleat. Filed 19 July 1973, patented 25 June 1974, not available NTIS.

Patent 3,819,925: Chemiluminescent Device. Filed 12 March 1973, patented 25 June 1974, not available NTIS.

Patent 3,820,391: Deep Sea Pressure Gauge. Filed 12 April 1973, patented 28 June 1974, not available NTIS.

Patent 3,821,120: Process for Promoting an Oxide for Use in a Pyrotechnic Composition. Filed 21 August 1972, patented 28 June 1974, not available NTIS.

Patent 3,821,563. Asynchronous Band-Pass Pulse Width Filter. Filed 18 June 1973, patented 28 June 1974, not available NTIS.

Patent 3,821,648: Automatic Noise Figure Indicator. Filed 29 May 1973, patented 28 June 1974, not available NTIS.

Patent 3,821,669: Fixed Frequency Solid Dielectric Fused Quartz Cavity. Filed 24 October 1950, patented 28 June 1974, not available NTIS.

Patent 3,821,736: Frequency Diversity Pulse Doppler Radar. Filed 5 October 1962, patented 28 June 1974, not available NTIS.

Patent 3,824,548: Satellite Communications Link Monitor, filed 15 June 1973; patented 16 July 1974, not available NTIS.

Patent 3,824,562: High Speed Random Access Memory Shift Register, filed 30 March 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,588: Analog to Digital Converter Having Digital Offset Correction, filed 9 February 1973; patented 16 July 1974; not available NTIS.

Patent 3,831,436: Multi-Purpose Real-Time Holographic Polariscope, filed 23 February 1973; patented 27 August 1974, not available NTIS.

Patent 3,831,546: Portable Swimmer Propulsion Unit, filed 24 March 1972, patented 27 August 1974; not available NTIS.

Patent, 3,831,594: Life Support System, filed 5 March 1973, patented 27 August 1974; not available NTIS.

Patent 3,831,858: Vented Plunger Atomizer, filed 1 March 1973, patented 27 August 1974; not available NTIS.

Patent 3,832,139: Linear Gradient Generator, filed 15 June 1973, patented 27 August 1974; not available NTIS.

Patent 3,835,271: Environmental Fluidic Switching Device with Plural Diaphrams, filed 20 August 1973, patented 10 September 10 1974; not available NTIS.

Patent 3,838,658: Steady Heat Generating Reactor, filed 17 April 1973, patented 1 October 1974; not available NTIS.

Patent 3,848,514: Fluidically Controlled Pneumatic to Mechanical Converters, filed 21 February 1973, patented 19 November 1974; not available NTIS.

Patent 3,849,450: Bis(Trifluoromethyl) Expoxides, filed 11 December 1973, patented 19 November 1974; not available NTIS.

Patent 3,849,742: Synchronously Tuned Laser Transmitter and Receiver, filed 28 June 1973, patented 19 November 1974; not available NTIS.

Patent 3,849,777: Interrogator-Transponder Fruit Reducer, filed 26 October 1973, patented 19 November 1974; not available NTIS.

Patent 3,849,996: Method and Apparatus for Positioning a Cofferdam, filed 2 January 1974, patented 26 November 1974; not available NTIS.

Patent 3,852,222: Fluorinated Epoxy Resins, filed 25 June 1973, patented 3 December 1974; not available NTIS.

Patent 3,852,756: Electrically Small Reasonant Antenna with Capacitively Coupled Load, filed 15 February 1974, patented 3 December 1974, not available NTIS.

Patent 3,852,766: Polypole Broadband Antenna Array, filed 10 December 1973, patented 3 December 1974; not available NTIS.

Patent 3,353,345: Suction Gripping Device, filed 30 November 1973, patented 10 December 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20456.

Patent application 604,374: Rechargeable Battery Which Combats Shape Change of the Zinc Anode; filed 13 August 1975; PC$3.50/MF$2.25.

Patent application 617,202: Lightweight Reflector Assembly and Method; filed 24 September 1975; PC$4.00/MF$2.25.

Patent 3,903,699: Solar Energy Power System; patented 9 September 1975; not available NTIS.

[FR Doc. 76–2422 Filed 1–27–76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT–APPL– number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, Washington, D.C. 20240.

Patent 3,825,670: Connector for Use in Capacitive Graded Splices, filed 7 November 1973; patented 23 July 1974; not available NTIS.

Patent 3,829,856: Paging Visual Signal, filed 11 October 1973; patented 13 August 1974; not available NTIS.

Patent 3,838,716: System for Packing Particulate Material into Long Cylindrical Containers, filed 24 July 1973; patented 1 October 1974; not available NTIS.

Patent 3,854,936: Smelting of Nickel Oxide Ores to Produce Ferronickel, Filed 26 September 1973, patented 17 December 1974; not available NTIS.

Patent 3,857,701: Smelting of Copper Oxides to Produce Blister Copper; filed 26 September 1973; patented 31 December 1974; not available NTIS.

Patent 3,859,080: Corrosion Resistant Alloys; filed 6 December 1971; patented 7 January 1975; not available NTIS.

Patent 3,859,520: Optical Detection System; filed 17 January 1974; patented 7 January 1975; not available NTIS.

Patent 3,868,509: Method of Stabilizing Single Channel Analyzers; filed 5 December 1973, patented 25 February 1975; not available NTIS.

Patent 3,886,662: Single Lever Controlled Geometric Writing Instrument; filed 21 June 1974; patented 3 June 1975; not available NTIS.

Patent 3,888,703: Method of Producing Creep Resistance of Pb–Sb Alloys; filed 22 May 1974; patented 10 June 1975; not available NTIS.

Patent 3,892,076: Long Shield Mining Method; filed 1 April 1974; patented 1 July 1975; not available NTIS.

Patent 3,902,865: Fe-Cu Duplex Metal Filaments; filed 25 September 1974; patented 2 September 1975; not available NTIS.

Patent 3,908,977: Uitrahigh Vacuum Mounting Fixture; filed 3 April 1974; patented 30 September 1975; not available NTIS.

Patent 3,909,251: Prevention of Surface Cracking Due to Formation of Copper Alloys of Tin and Antimony During Reheating of Steel; filed 5 December 1974; patented 30 September 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,812,456: A Hydro-Acoustic Filter; filed 20 April 1956; patented 21 May 1974; not available NTIS.

Patent 3,812,493: Bistatic Passive Radar; filed 23 November 1970; patented 21 May 1974; not available NTIS.

Patent 3,813,534: Chemical Lighting Device Having Interlocking Ampoules; filed 14 September 1973; patented 28 May 1974; not available NTIS.

Patent 3,813,671: System for Measuring Range to an Electromagnetic Radiation Source; filed 16 January 1968; patented 28 May 1974; not available NTIS.

Patent 3,818,802: Speed Control Mechanisms; filed 27 April 1972; patented 25 June 1974; not available NTIS.

Patent 3,818,958: Self-Locking Holdback Cleat; filed 19 July 1973; patented 25 June 1974; not available NTIS.

Patent 3,824,823: Fuel Filter Testing Apparatus; filed 1 February 1973; patented 23 July 1974; not available NTIS.

Patent 3,825,320: High-Pressure Optical Bulkhead Penetrator; filed 2 March 1973; patented 23 July 1974; not available NTIS.

Patent 3,831,436: Multi-Purpose Real-Time Holographic Polariscope; filed 23 February 1973; patented 27 August 1974; not available NTIS.

Patent 3,831,546: Portable Swimmer Propulsion Unit; filed 24 March 1972; patented 27 August 1974; not available NTIS.

Patent 3,831,858: Vented Plunger Atomizer; filed 1 March 1973; patented 27 August 1974; not available NTIS.

Patent 3,831,879: Wire Dispenser; filed 11 March 1970; patented 27 August 1974; not available NTIS.

Patent 3,838,305: Replaceable Electrode Surfaces for High Field Electrostatic Lenses; filed 24 August 1973; patented 24 September 1974; not available NTIS.

Patent 3,842,274: Photoconductively Activated Gated, Infrared Charge Coupled Imaging Device (PAGIRCCD); filed 15 November 1973; patented 15 October 1974; not available NTIS.

Patent 3,845,634: Dual Hydro Winch Lift Mechanism; filed 2 November 1973; patented 5 November 1974; not available NTIS.

Patent 3,846,048: Free Piston Pump; filed 26 November 1973; patented 5 November 1974; not available NTIS.

Patent 3,846,764: Technique for Information Storage Using Anisotropic Color Centers in Alkali Halide Crystals; filed 18 May 1973; patented 5 November 1974; not available NTIS.

Patent 3,847,348: Roll Computer; filed 14 November 1973; patented 12 November 1974; not available NTIS.

Patent 3,849,742: Synchronously Tuned Laser Transmitter and Receiver; filed 28 June 1973; patented 19 November 1974; not available NTIS.

Patent 3,849,996: Method and Apparatus for Positioning a Cofferdam; filed 2 January 1974; patented 26 November 1974; not available NTIS.

Patent 3,850,306: Crane Attachment for Dampening Swinging Motion; filed 3 November 1966; patented 26 November 1974; not available NTIS.

Patent 3,850,978: Synthesis of N,N-BIS(2-Fluoro-2,2-Dinitroethyl) Carbamates; filed 28 November 1973; patented 26 November 1974; not available NTIS.

Patent 3,851,195: Boundary Layer Control as a Means of Increasing Power Output of Supersonic MHD Generators; filed 29 August 1973; patented 26 November 1974; not available NTIS.

Patent 3,853,082: Mechanical Retriever; filed 3 May 1973; patented 10 December 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent application 612,967: Method and System for Producing Chroma Signals; filed 12 September 1975; PC $4.00/MF $2.25.

Patent application 613,845: An Improved Load Handling Device; filed 16 September 1975; PC $3.50/MF $2.25.

Patent application 614,990: A Process for Forming a Crystalline Film; filed 19 September 1975; PC $3.50/MF $2.25.

Patent application 616,472: Sun Direction Detection System; filed 24 September 1975; PC $3.50/MF $2.25.

Patent application 617,202: Lightweight Reflector Assembly and Method; filed 24 September 1975; PC $4.00/MF $2.25.

Patent application 617,612: Thermistor Holder for Skin Temperature Measurements; filed 29 September 1975; PC $3.50/MF $2.25.

Patent 3,903,699: Solar Energy Power System; patented 9 September 1975; not available NTIS.

Patent 3,906,954: Ophthalmic Liquifaction Pump; patented 23 September 1975; not available NTIS.

Patent 3,907,312: System for Enhancing Tool-Exchange Capabilities of a Portable Wrench; patented 23 September 1975; not available NTIS.

Patent 3,907,646: Measurement of Gas Production of Microorganisms; Patented 23 September 1975; not available NTIS.

Patent 3,907,686: Filter Regeneration Systems; patented 23 September 1975; not available NTIS.

[FR Doc.76–2434 Filed 1–27–76;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be

held on Wednesday, February 25, 1976, from 8:30 a.m. to 5:00 p.m. and Thursday, February 26, 1976, from 8:30 a.m. to 12:00 noon, in Room 1107 of the Radio Building, National Bureau of Standards, 325 Broadway, Boulder, Colorado.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. The agenda for the meeting is as follows:

WEDNESDAY, FEBRUARY 25, 1976

8:30 Opening Remarks by Assistant Secretary Betsy Ancker-Johnson.
9:00 Discussion on Technology Transfer with Lesser Developed Countries.
12:00 Lunch.
1:00 Discussion on the Reform of Technically Oriented Regulatory Agencies.
5:00 Adjournment.

THURSDAY, FEBRUARY 26, 1976

8:30 Discussion of Proposed Panel on Commercialization of Federally Funded RD&D.
10:00 Discussion of Court for Scientific Controversy Experiment.
11:00 New Business.
12:00 Adjournment.

Practical consideration may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that in her judgment will facilitate the orderly conduct of business.

A limited number of seats will be made available to the public and the press on a first-come, first-served basis.

The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DoC officials, and invited participants.

Copies of minutes and handouts will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring to obtain further information concerning CTAB should contact Mr. William C. Holt, Executive Director of CTAB, Room 3877, U.S. Department of Commerce, Washington, D.C. 20230; Telephone (202)-967-2394.

Dated: January 22, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-2494 Filed 1-27-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resources Administration

NATIONAL ADVISORY COUNCILS

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of March 1976:

Name: National Advisory Council on Nurse Training.
Date and Ttime: March 8-10, 1976, 10:30 a.m.
Place: Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open March 8, 10:30 a.m.-noon.
Closed for remainder of meeting.

Purpose. The Council performs the final review of applications for construction projects, special projects for the improvement of nurse training, and research grants.

Agenda. Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of previous meeting; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Federal Building, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6985.

Name: National Advisory Council on Health Professions Education.
Date and Time: March 9-11, 1976, 8:30 a.m.
Place: Conference Room 4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open March 9, 8:30 a.m.-10:30 a.m.
Closed for remainder of meeting.

Purpose. The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance.

Agenda. During the open portion of the meeting the Council will receive announcements and reports, consider minutes of previous meetings, discuss future meeting dates, and other business. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mrs. Lynn Stevens, Room 4C-02, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6601.

Agenda items are subject to change as priorities dictate.

Dated: January 23, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-2453 Filed 1-27-76;8:45 am]

National Institutes of Health

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, February 24-25, 1976. On February 24 the meeting will be held in Building 31, Conference Room 9. On February 25 the meeting will be held in Building 31, Conference Room 7. Building 31 is at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public both days from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public both days from 10 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: January 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76-2398 Filed 1-27-76;8:45 am]

BREAST CANCER TASK FORCE

Notice of Meeting

Notice is hereby given of the meeting of the combined Committees of the Breast Cancer Task Force, National Cancer Institute, March 3, 1976, Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on March 3, 1976 for the presentation of contract projects by twelve principal investigators. Attendance by the public will be limited to space available.

For additional information, please contact: D. Jane Taylor, Ph.D., Landow Building, Room A-422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of

Health, Bethesda, Maryland 20014, (301) 496–6718.

Dated: January 13, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–2400 Filed 1–27–76;8:45 am]

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, Division of Cancer Control and Rehabilitation, on February 13, 1976, National Institutes of Health, Building 31, Conference Room 7, which was published in the FEDERAL REGISTER on January 14, 1976, 41 FR 2108.

Dated: January 22, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76–2397 Filed 1–27–76;8:45 am]

INFECTIOUS DISEASE COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, April 1, 1976, Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 1:00 p.m. to 5:00 p.m. on April 1, 1976 to discuss the Infectious Disease Branch Bacterial Program. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, Natioinal Institutes of Health, Bethesda, Maryland 20014, phone 301–496–5717, will furnish summaries of the meeting and roster of committee members.

Mrs. Martha Mattheis, Executive Secretary of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–10, National Institutes of Health, Bethesda, Maryland 20014, phone 301–496–5105, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health)

Dated: January 15, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–2411 Filed 1–27–76;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute on March 29–30–31, 1976, from 8:30 a.m. to 5:00 p.m., in Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on March 30–31, 1976, to discuss the Lipid Metabolism Branch Program Review and the Fourth Annual Director's Report. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting of the Committee will be closed to the public on March 29 from 8:30 a.m. to 5:00 p.m. for the review, discussion and evaluation of renewal proposals of approximately 15 Lipid Research Clinic Program contracts. The contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concening individuals associated with the contracts.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, National Institutes of Health, Building 31, Room 5A21, Bethesda, Maryland 20014, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLI, Building 31, Room 4A18, (301) 496–1681, will furnish substantive program information.

Dated: January 21, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–2410 Filed 1–27–76;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, on March 25–26, 1976, from 9:00 a.m. to 5:00 p.m., in Building 31–C, Conference Room 7, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 12:00 noon on March 25, 1976, to discuss administrative reports, recent legislation, interagency activities and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on March 25 from 1:00 p.m. to 5:00 p.m. and on March 26 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496–7483, will furnish rosters of committee members, and a summary of the meeting; Dr. Cobert D. LeMunyan, Acting Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549–8411, extension 3353, will furnish substantive program information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13–328, National Institutes of Health.)

Dated: January 21, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76–2408 Filed 1–27–76; 8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, March 25–26, 1976, Conference Room # 9, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public from 9:00 a.m. to recess on March 25 for: the conduct of Council business; the report of the Director, DRR; the report of the Assistant Director, DRR; a presentation on the impact of an animal resource center on a small university; a general discussion of the Privacy Act and Freedom of Information Act; a presentation, "Overview of NIH Extramural Trends" and a review of the functions of the Animal Resources Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on March 26 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual initial pending, supplemental, renewal grant applications; individual and institutional National Research Service Award Program applications; and Research Career Award Program applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of

Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014, (301) 496–6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.371, 13.375, National Institutes of Health.)

Dated: January 21, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76-2409 Filed 1-27-76;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, March 22–24, 1976, National Institutes of Health, Building 31, Conference Room 6. The Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention will also meet March 21, 1976 at 4:00 p.m., National Institutes of Health, Building 31C, Conference Rooms 6 and 8, respectively.

The Board meeting will be open to the public on March 22 from 9:00 a.m. to 12:00 noon; March 23 from 1:30 p.m. to 5:00 p.m., and March 24 from 9:00 a.m. to adjournment. Agenda items include reports by the Chairman, President's Cancer Panel; the Director, National Cancer Program, NCI; and the Board Subcommittees on Environmental Carcinogenesis; Organ Sites, and Centers. Additional topics include transforming genes of mammalian RNA tumor viruses as probes for the metabolic pathways involved in human cancer; cancer from interaction of the environment and genetics in man; cancer patient lodges; and, treatment of leukemia patients by bone marrow transplants. The Board Subcommittes will be open to the public on March 21 from 4:00 p.m. to 4:30 p.m. to review administrative details. Attendance by the public at these meetings will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the Board meeting will be closed to the public on March 22 from 1:30 p.m. to 5:00 p.m. and on March 23 from 9:00 a.m. to 1:30 p.m., and the Subcommittee meetings on March 21 from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Board members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. During the closed session of the Board meeting, the National Cancer Institute budget for fiscal year 1978 will be reviewed, in accordance with the provisions of Section 552(b)(5) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide summaries of the meetings, substantive program information, and rosters of Board members.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391; 13.392, National Institutes of Health)

Dated: January 19, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76-2407 Filed 1-27-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart and Lung Institute, March 22–23, 1976, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on March 22, 1976, from 8:30 a.m. to 9:30 a.m. when the current progress of the Multiple Risk Factor Intervention Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 9:30 a.m. to adjournment on March 22, 1976, and from 8:30 a.m. to adjournment on March 23, 1976, for the review of contracts related to the Multiple Risk Factor Intervention Trial. These proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries of research personnel and personal information concerning individuals associated with the contract proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: January 21, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76-2406 Filed 1-27-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart and Lung Institute, March 10, 1976, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on March 10, 1976, from 9:00 a.m. to 5:00 p.m. when proposed recommendations for the Fourth Annual Report of the Director, NHLI, will be discussed. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland 20014, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: January 15, 1976.

SUZANNE L. FREMEAU,
Committee Manager Officer, NIH.

[FR Doc.76-2401 Filed 1-27-76;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, March 18–19, 1976, in Building 31, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:30 a.m. and from 1:30 p.m. to 5:00 p.m. on March 18, 1976, to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on March 18 from 10:30 a.m. to 1:30 p.m., and on March 19 from 9:00 to adjournment, for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496–5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: January 21, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76–2405 Filed 1–27–76;8:45 am]

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Notice of Meeting

Pursuant to P.L. 92–463, notice is hereby given of a meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases on February 11, 1976. The meeting will be open to the public.

The Commission will have a business meeting at the Hotel Valley Ho, 6850 Main Street, Pow Wow Room, Scottsdale, Arizona from 8:30 a.m. to 5:30 p.m.

Messr. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: January 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–2396 Filed 1–27–76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, March 12–13, 1976, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on March 12 and from 9:00 a.m. to 11:00 a.m. on March 13. The open portion will be devoted to scientific presentations by various laboratories of NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 4:30 p.m. to adjournment on March 12 and from 11:00 a.m. to adjournment on March 13 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Messr. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

Dated: January 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–2404 Filed 1–27–76;8:45 am]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Notice of Meeting

The National Institute of Environmental Health Sciences is holding an open meeting to describe and discuss research which it conducts in its own laboratories and supports in universities and research laboratories throughout the country. This research deals with those chemicals and factors in the environment that adversely affect human health. This meeting is being held primarily for non-governmental groups and individuals interested in the problems of environmental health. It is not designed primarily for scientist-to-scientist communication.

The meeting is being called in order that the Institute can carry out its responsibilities under Section 301 (a) of the Public Health Service Act and in response to Congressional Directives to increase its efforts to communicate the results of its research to the public.

The entire meeting will be open to the public from 9:30 a.m. to adjournment on February 25, 1976, in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. Background information on the Institute programs and a draft agenda for the meeting are available upon request. Individuals interested in obtaining this information should contact Ms. Diane Rice, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549–8411, ext. 3211 (FTS: 629–3211). Since attendance will be limited to space available, it is requested that individuals wishing to attend notify Ms. Rice at the number shown above.

Dated: January 15, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–3299 Filed 1–27–76;8:45 am]

NANCDS COUNCIL PLANNING SUBCOMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NANCDS Council Planning Subcommittee, March 11, 1976, at 8:30 a.m. in the Caucus Room, Ramada Inn Governor's House, 8400 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on March 11, 1976, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 10:30 A.M. on March 11, 1976, to adjournment on March 11, 1976 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496–7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: January 19, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–2402 Filed 1–27–76;8:45 am]

NATIONAL LIBRARY OF MEDICINE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given to the meeting of the Board of Regents of the National Library of Medicine on March 11–12, 1976, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, March 10, 1976, from 2:00 to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on March 11 and from 9:00 to 9:30 a.m. on March 12 for administrative reports and program and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section

10(d) of P.L. 92–463, the entire meeting of the Subcommittee on March 10 will be closed to the public, and the regular Board meeting on March 12 will be closed from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications and initial pending contract proposals. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications and contract proposals containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.348, 13.349, 13.350, 13.351, 13.353—National Institutes of Health.)

Dated: January 21, 1976.

THOMAS E. MALONE,
Acting Director, NIH.

[FR Doc.76–2403 Filed 1–27–76;8:45 am]

CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE (TEMPORARY)

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on January 6, 1976, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Cancer Institutional Fellowship Review Committee (Temporary)

Purpose: The Committee provides to the Director, NCI, and the Director, Division of Cancer Research Resources and Centers, NCI, advice concerning the technical merit of those National Research Service Institutional Fellowship applications submitted in Fiscal Year 1976. Authority for this committee will expire September 30, 1976.

Dated: January 19, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–2412 Filed 1–27–76;8:45 am]

COMMISSION FOR THE CONTROL OF EPILEPSY AND ITS CONSEQUENCES

Notice of Establishment

The National Institutes of Health announces the establishment on December 30, 1975, of the Commission for the Control of Epilepsy and Its Consequences, under the authority of Section 604(a) of Public Law 94–63 (43 U.S. Code 289 note). This Commission is governed by provisions of Public Law 92–463 which sets forth standards for the formation and use of advisory committees.

This Commission shall (1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States; (2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy; (3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and (4) prepare for the President and Congress a report on Commission findings together with recommendations for legislation and appropriations.

Authority for this Commission will expire August 31, 1976 unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: January 19, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–2412 Filed 1–27–76;8:45 am]

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Notice of Establishment

The National Institutes of Health announces the establishment on December 30, 1975, of the Commission for the Control Huntington's Disease and Its Consequences, under the authority of Section 605(a) of Public Law 94–63 (42 U.S. Code 289 note). This Commission is governed by provisions of Public Law 92–463 which sets forth standards for the formation and use of advisory committees.

This Commission shall (1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States; (2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease; (3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and (4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

Authority for this Commission will expire August 31, 1976 unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: January 19, 1976.

DONALD S. FREDERICKSON,
Director, NIH.

[FR Doc.76–2414 Filed 1–27–76;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Dental Research Institutes and Special Programs Advisory Committee.

Authority for this committee will expire on June 30, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 19, 1976.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.76–2413 Filed 1–27–76;8:45 am]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held March 2, 1976, from 9:30 a.m. to 4:00 p.m. in the Gold Room, Room 3652, Regional Office Building 3, 7th & D Streets, SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92–463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted entirely to the next Annual Report of the Council.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit,

BPE, located in Room 3036, ROB, 7th & D Streets, S.W.

Signed at Washington, D.C. on January 22, 1976.

PRESTON VALIEN.

[FR Doc.76-2395 Filed 1-27-76;8:45 am]

Public Health Service

BACTERIAL VACCINES

Notice of Symposium

Pursuant to Public Law 92-463, notice is hereby given of the symposium, Current Status and Prospects for Improved and New Bacterial Vaccines, cosponsored by the National Institute of Allergy and Infectious Diseases, National Institutes of Health and the Bureau of Biologics, Food and Drug Administration, March 29, 30, 31, and April 1, 1976, Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m., March 29, to 1:00 p.m., April 1, 1976. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20014, phone 301-496-5717, will furnish summaries of the meeting.

Dr. James C. Hill, Bacterial Programs Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-10, National Institutes of Health, Bethesda, Maryland 20014, phone 301-496-5105, or Dr. John B. Robbins, Director, Division of Bacterial Products, Bureau of Biologics, Building 29, Room 120, Food and Drug Administration, Bethesda, Maryland 20014, phone 301-496-1014, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 12.856, National Institutes of Health)

Dated: January 15, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76-2416 Filed 1-27-76;8:45 am]

CIVIL AERONAUTICS BOARD

AIRLINE CUSTOMER RELATIONS

Notice of Presentations

Notice is hereby given that presentations will be made by the Office of the Consumer Advocate, Civil Aeronautics Board to airline customer relations directors at 10 a.m. on February 18, 1976, and to travel agents and consumer representatives at 10 a.m. on February 19, 1976. The presentations will be made at the Regional Headquarters Building of the Federal Aviation Administration (Hartsfield-Atlanta International Airport), 3400 Hipple Street, East Point, Georgia 30344.

The presentations will be open to the public. Any person wishing to participate should contact the Office of the Consumer Advocate, Civil Aeronautics Board, Washington, D.C. 20428.

Dated at Washington, D.C., January 23, 1976.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-2466 Filed 1-27-76;8:45 am]

[Order 76-1-87]

CONDITIONS OF CARRIAGE, CARGO

Agreements Adopted by the International Air Transport Association

Agreement C.A.B. 2698, R-23; Agreement C.A.B. 7648, R-107; Agreement C.A.B. 24475 R-4 and R-5, Docket 25280; and Agreement C.A.B. 25186, R-12.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of January, 1976.

Order 75-11-106, November 26, 1975, directed member carriers of the International Air Transport Association, (IATA), to show cause why certain Resolutions stating the conditions of carriage of cargo should not be disapproved. By application filed January 9, 1976, IATA pleads insufficient time to complete its analysis and response and requests an extension of 6 months to July 27, 1976 to file a reply to the Board's Show Cause Order.

IATA sates that a "Working Group" was to meet on January 7, 1976, and that its ". . . recommendations will be submitted to the Member carriers for their consideration." No further timetable for progress in this matter was given, other than the statement, that, ultimately, IATA Traffic Conference action will probably be necessary to reach agreement on any changes in the Resolutions in question.

No comments have been filed by any other party.

Upon consideration of the application, the Board will extend the time for filing reply comments to Show Cause Order 75-11-106 to March 1, 1976. The Board will grant this limited extension in order to facilitate the Working Group meeting. No further extension will be considered absent some firm indication from the carriers of their intention to advance progress in resolving the matters raised in the Order to Show Cause. Moreover, the Board will expect any such request to include a full report on progress to date, including but not limited to (a) the recommendations of the January 7 Working Group; (b) any mail votes circulated and the results thereof and (c) planned further action, including the agenda material prepared for any IATA Traffic Conference proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204, 403, 404, 412, and 414 thereof,

It is ordered that:

1. The due date for initial reply comments specified in ordering paragraph 3 of Order 75-11-106 is extended to March 1, 1976; and

2. The due date for replies to the foregoing comments specified in ordering paragraph 4 of Order 75-11-106 is extended to March 15, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-2467 Filed 1-27-76;8:45 am]

[Docket 28688]

FAR EASTERN AIR TRANSPORT CORP. CARGO ONLY PERMIT (REPUBLIC OF CHINA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on February 23, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., January 22, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-2465 Filed 1-27-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 482-5]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of December 1, 1975 and December 15, 1975.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755–2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 12, 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Dec. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-K61005-CA	Land use plan, Shasta and Clair Engle-Lewiston units, Whiskeytown-Shasta-Trinity National Recreation Area, Calif.	ER-2	J
D-SCS-D36012-VA	Great Creek watershed, Brunswick and Lunenburg Counties, Va.	ER-2	D
D-SCS-G36035-AR	Upper Petit Jean Watershed project, Logan, Scott, and Sebastian Counties, Ark.	LO-1	G
Corps of Engineers:			
DS-COE-A36304-IN	Little Calumet River, flood control project, Indiana	ER-2	F
D-COE-F32031-MI	Detroit River, maintenance dredging, navigation channels, Michigan.	LO-1	F
D-COE-F32032-MI	Rouge River, maintenance dredging of navigation channels, Michigan.	LO-1	F
D-COE-F32033-MI	Clinton River, maintenance dredging of the Federal navigation channel, Michigan.	LO-2	F
D-COE-G99002-OK	Fort Howard Paper Co., recycled-deinked pulp and paper mill, Muskogee County, Okla.	LO-1	G
D-COE-K32006-HI	Waianae small boat harbor, Oahu, Hawaii	3	J
D-COE-K36013-CA	Walnut Creek project, Contra Costa County, Calif.	LO-2	J
Department of Commerce:			
D-NOA-B61003-ME	Proposed Federal approval of the coastal zone management program, mid coast segment, Maine.	LO-2	B
General Services Administration:			
D-GSA-D81005-DC	Relocation of Government Printing Office, Washington, D.C.	LO-2	D
D-GSA-K81004-CA	Lease construction of SSA Data Operations Center, Salinas, Monterey County, Calif.	LO-1	J
Department of Housing and Urban Development:			
D-HUD-B89006-MA	Clearance of unsafe buildings, Boston demolition program (CDBG), Suffolk County, Mass.	LO-1	B
D-HUD-G85009-TX	Mahon School area housing rehabilitation program (CDBG), Lubbock County, Tex.	LO-1	G
Department of Labor:			
RD-OSH-A27003-00	Coke oven emissions	LO-2	A
Department of Transportation:			
D-FAA-F51004-IN	Clark County Airport development, Jeffersonville, Ind.	ER-2	F
D-FHW-F40041-MI	Reconstruction of the U.S. 2 bridge over the Manistique River, Mich.	ER-2	F

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reasses these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all.

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Dec. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SSC-F36025-IN	Prairie Creek watershed, Vigo County, Ind.	EPA generally had no objections to the project as proposed.	F
Corps of Engineers:			
FS-COE-A35106-SC	Colleton River at Victoria Bluff, Beaufort County, S.C.	The contemplated deletion of a large portion of buffer area as raised in the supplemental final EIS now introduces the possibility that a more environmentally damaging type of industry may develop in the 308 acres removed from the buffer area. With no real assurance as to the future use of this additional acreage, EPA questions the need for reduction of the buffer zone. If more information from Chicago Bridge & Iron is not forthcoming EPA would have reservations concerning the open-ended nature of the revised permit application.	E
FS-COE-A36420-00	Tombigbee River and tributaries, Luxapalila Creek segment, Alabama and Mississippi.	EPA believes that our comments expressing environmental reservations on the final EIS dated July 22, 1975, are still applicable to the proposed project. Specifically, EPA believes that the channelization of the 22 streams tributary to the Tennessee-Tombigbee Waterway project is unnecessary and, in most respects, is detrimental to the overall water quality of the project. It is noted that the corps is recommending that the channelization of the Sipsey and Noxubee Rivers be dropped, but from a water quality standpoint, the elimination of the channelization in the receiving streams would also be beneficial.	E
F-COE-E32005-NC	Maintenance of Atlantic Intracoastal Waterway, N.C.	EPA generally had no objections to the project as proposed.	E
F-COE-F32012-MI	Maintenance dredging of unpolluted harbors, Mich.	do	F
F-COE-F34004-OH	Clarence J. Brown Dam and Reservoir, Ohio.	EPA has determined that the final EIS was unresponsive to EPA's comments on the draft EIS. The final EIS did not provide the requested information on the project's water quality impact and on the proposed management plan for the reservoir. In addition, EPA continues to have environmental reservations on the project.	F
F-COE-K35000-CA	Maintenance dredging, Petaluma River, Sonoma and Marin Counties, Calif.	EPA generally had no objections to the project as proposed.	J
F-COE-K35002-CA	Mariners Island, regulatory permit application, San Mateo, San Mateo County, Calif.	do	J
Department of Defense:			
F-USN-A11048-CA	Off-road vehicle use of Mirror Lake Naval Weapons Center, China Lake, Kern and San Bernardino Counties, Calif.	do	J
Department of Housing and Urban Development:			
F-HUD-L38001-WA	Rodeo Lake surface drainage and water table lowering Othello suburbs, Adams County, Wash.	do	K

APPENDIX III.—*Final environmental impact statements for which comments were issued between Dec. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Transportation:			
F-FAA-A51856-MI	Mason County Airport, Ludington, Mich.	EPA generally had no objections to the project as proposed. However, EPA believes that future noise impacts should be examined before construction of the project.	F
F-FAA-A51908-IN	Mount Comfort Airport, Mount Comfort, Ind.	EPA generally had no objections to the project as proposed.	F
F-FHW-A41683-MN	US 61 bypass, Winona County, Minn.	do	F
F-FHW-A42218-MI	I-475 and Pierson Rd., Genessee County, Mich.	EPA generally has no objections to the project as proposed. However, EPA suggested consideration be given to a cost/effective analysis of possible methods for treatment of highway runoff and urges implementation of noise mitigation factors.	F
F-FHW-A42278-NY	City of Kingston, North-South Arterial, North Broadway to NY-32, Ulster County, N.Y.	EPA generally had no objections to the project as proposed.	C
F-FHW-F41013-WI	US 63, Smith Lake, Sawyer County, Wis.	do	F

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Dec. 1 and 15, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-A65015-CO	Marble winter sports site, White River National Forest, Colo	I
F-AFS-B61001-00	Timber management plan, White Mountain National Forest, Maine and N.H.	B
F-AFS-E61011-NC	North Fork Catawba River and Buck Creek units, Pisgah National Forest, Avery, Burke, and McDowell Counties, N.C.	E
F-AFS-G82001-AR	Vegetation management with herbicides, Ozark-St. Francis National Forest, Ark.	G
F-AFS-L61034-OR	Wallowa Valley planning unit, Wallowa-Whitman National Forest, Oreg	K
F-SCS-G36023-LA	Upper and Bayou Nezpique watershed, Evangeline and Allen Parishes, La.	G
Corps of Engineers:		
F-COE-D35007-00	Delaware River, Trenton to the sea, Schuylkill River and Wilmington Harbor tributaries, project maintenance, New Jersey, Delaware, and Pennsylvania.	D
Department of Commerce:		
F-NOA-E61014-FL	Key Largo Coral Reef Marine Sanctuary, Fl	E
Department of Housing and Urban Development:		
F-HUD-B89004-MA	Urban renewal project, Heritage Plaza East, Essex County, Salem, Mass	B
F-HUD-E28005-TN	Marshall County Board of Public Utilities, phase II, waterline extension, Tenn.	E
F-HUD-E89001-TN	Cromwell Rd. low-rent public housing project, Tennessee 4-21, Chattanooga, Tenn.	E
F-HUD-G85006-TX	Park Forest North Subdivision, Collin County, Plano, Tex	G
F-HUD-H91000-MO	Dangerous buildings and demolition program, Kansas City, Jackson County, Mo.	H
Department of the Interior:		
F-SFW-A61241-MS	Proposed Noxubee Wilderness Area, Noxubee National Wildlife Refuge, Oktibbeha County, Miss.	E
Department of Transportation:		
F-FHW-A41116-NC	US 220, I-85 to I-40, Guilford County, N.C	E
F-FHW-A41499-TN	TN-95, Loudon County, Tenn	E
F-FHW-C40003-NY	Wellsville Connector, Wellsville, Allegany County, N.Y	C
F-FHW-E40005-TN	TN-58, Hamilton County, Tenn	E
NF-FHW-E40037-FL	FL-5, Monroe County, Fla	E
F-FHW-K40031-CA	CA-15, between I-805 and I-8, San Diego County, Calif	J
Veterans Administration:		
F-VAD-A81098-SC	400-bed replacement hospital and modernization of existing buildings at veterans' hospital, Columbia, S.C.	E

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Dec. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Energy Administration: R-FEA-A04031-00..	10 CFR Part 214, mandatory allocation of Canadian oil.	EPA generally had no objections to the proposed regulation. However, EPA expressed concern over the potential for new or aggravated impacts on the environment from actions taken as a result of the regulations and recommended that FEA make a detailed analysis of the expected alternative crude oil supply plans of affected refineries, especially as they may involve significant construction activities and associated environmental impacts.	A
Department of the Interior: R-MES-A01030-00...	30 CFR Parts 55, 56, and 57, new and revised health and safety standards.	EPA generally had no objections to the proposed regulations. EPA did, however, note apparent omissions in regulating the disposal of residual fluids and in various air quality and radiation monitoring procedures. EPA also recommended that the regulations require compliance with applicable noise abatement regulations.	A
Department of Transportation: RS-CGD-A52073-00.	33 CFR Part 157, tank vessels carrying oil in domestic trade, protection of marine environment.	EPA expressed substantial concern about (1) the formula approach for design of new vessels, (2) the data base and the analyses upon which to base new vessel requirements, and (3) the need to address the issue of retrofitting existing vessels. EPA presented an alternative approach for reducing hypothetical accident oil outflow and recommended that minimum side protection for all designs be increased to 2 m and a concerned interagency effort be initiated immediately to develop a more substantial information base for existing vessel design options which will lead to reassessment of the regulations by January 1, 1978.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101

[FR Doc.76-2386 Filed 1-27-76;8:45 am]

[FRL 481-6]

REGISTRATION OF A PESTICIDE PRODUCT

Consideration of Data by the Administrator in Support of an Application

Correction

In FR Doc. 76-2008, appearing at page 3339 in the issue for Thursday, January 22, the following changes should be made:

1. The last line above the footnotes in column one on page 3341 was inadvertently misplaced and should have appeared between the 18th and 19th lines of that column.

2. The second word in the second line of the third column on page 3341, now reading "ending", should have read "pending".

[OPP-50055; FRL 483-3]

SOUTH CAROLINA

Application for Experimental Use Permit To Use DDT Formulation on Cotton

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), Clemson University, on behalf of the State of South Carolina, has applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of a DDT formulation to evaluate the effectiveness of this formulation in controlling the cotton bollworm and the tobacco budworm (*Heliothis* spp.). A comparison will be made, using the DDT formulation and a formulation not containing DDT, to attempt to determine the effect on crop yield with and without this form of insecticidal control. This application for an experimental use permit is for the 1976 cotton production season only. Such application is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received by February 27, 1976 and should bear the identifying notation OPP-50055. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Section 172.11(b) of the regulations provides that the Administrator may hold a public hearing if he determines that there is sufficient interest in the application to warrant a hearing, based upon the comments received. Accordingly, commenters should specifically address whether a public hearing should be held on the proposed experimental use.

This document contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located at the Headquarters address mentioned above. A copy of the application will also be available for review at the EPA Region IV Office, Pesticide Branch, 1421 Peachtree Street, NE., Rm. 112, Atlanta, Georgia 30309. The application requests an experimental use permit for two programs to use a formulation of toxaphene, DDT, and methyl parathion.

Program One. Approximately 200,000 pounds A.I. DDT is planned for use on 10,000 acres. There are three objectives in this proposed program:

1. To evaluate pest management techniques in selected cotton growing regions in South Carolina and to compare bollworm/budworm (*Heliothis* spp.) infestation with and without DDT;

2. To obtain square and boll injury records with DDT and currently recommended insecticides for all cotton insects; and

3. To obtain yield and cost of production data with and without DDT for bollworm/budworm control.

Initiation of treatments will begin at occurrence of economic threshold for either the cotton bollworm or the tobacco budworm and continue on a 3-5 day interval as long as infestation or damage remains above economic threshold. Economic thresholds for *Heliothis* spp. on cotton are: (1) 5 eggs and small worms per 100 plants examined; or (2) 1 small worm per 100 squares examined;

or (3) 5% square or boll damage by worms.

Three to five counties in the cotton growing region of the State will be chosen for these experiments. Each experimental unit will be confined to one county with no more than 2,000 acres (total of 10,000 acres). County selection will be based on cotton acreage within the county, past history of bollworm control problems, and county participation and practice of pest management for cotton insect control. Each area will serve as an experiment to test the effectiveness of the toxaphene/DDT methyl parathion mixture for control of the bollworm complex on cotton and to compare it to control obtained by currently recommended insecticides. Each gallon of the formulation will contain 4 pounds toxaphene, 2 pounds DDT, and 1 pound methyl parathion. It is anticipated that as many as 20 spray applications may be made using DDT at the rate of one pound technical per acre per application (½ gallon formulated product per acre). It is proposed that any surplus formulated DDT will be forwarded to EPA at the termination of the experiment.

An intensive education program will be conducted by the State in the experimental area to promote the best agronomic practices available for production of quality cotton. Growers will be encouraged to plant cotton in areas not sensitive to the use of DDT. Application will be made only when drift will be minimal and away from sensitive areas. All applications will be made under supervision of the cotton program personnel. Cotton and surrounding areas will be intensively monitored once DDT application begins. Only those growers who are certified South Carolina applicators of restricted use pesticides and those whose cotton meets infestation levels as determined by the program personnel will be allowed to purchase DDT. Records on amount, date, and to whom sold will be retained by the dealer(s). A regulatory program developed by the Division of Regulatory and Public Service Programs, Clemson University, will ensure control over purchase and use. Application will be made only under supervision of the State Cooperative Extension Service and Agricultural Experiment station and associated program personnel to insure compliance with regulations governing sensitive areas and weather conditions.

Program Two. Three formulations will be used: toxaphene plus DDT; methyl parathion plus DDT; and toxaphene plus DDT plus methyl parathion. The objective of Program Two is to evaluate selected insecticides for control of the tobacco budworm and the cotton bollworm with toxaphene plus DDT plus methyl parathion serving as the insecticide standard. Initiation of treatments will begin at occurrence of economic threshold for either the cotton bollworm or the tobacco budworm and continue on a 3–5 day interval as long as infestation or damage remains above economic threshold, already previously described. Small plot experiments (thirty-six (36) 1/10 acre field plots) will be conducted to evaluate candidate insecticides and microbial agents as compared to the toxaphene/DDT/methyl parathion mixtures used as standards. The State has requested 960 pounds A.I. DDT to be formulated for 1 acre plots to assure a proper spray pattern. The experiments (4 replications of each treatment) will be conducted at the Pee Dee Experiment Station, Florence, S.C. All materials will be applied with a high clearance self-propelled spray machine. Twenty applications per pot are anticipated (½ gallon formulated product per acre).

Standard evaluation methods will be used in collection and treatment of data collected from these experiments. It is proposed that any surplus formulated DDT will be forwarded to EPA at the termination of the experiment.

Other conditions described in Program One concerning educational, monitoring and regulatory techniques also apply to Program Two.

Dated: January 23, 1976.

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

[FR Doc.76-2492 Filed 1-27-76;8:45 am]

[Dockets No. 336 et al; FRL 482-8]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR OR CHLORDANE

Objections and Request for Hearing

Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*, 1973 Supp.), that 4 proceedings have been instituted by, in effect, the filing of objections and requests for a hearing by registrants or applicants contesting the cancellation of, or the denial of, registrations, respectively, under the act of pesticide products containing heptachlor or chlordane. These proceedings have been consolidated for hearing with 73 other proceedings challenging the Administrator's notice of intent to cancel registrations of pesticide products containing heptachlor or chlordane, dated November 18, 1974 (see 39 F.R. 41298 and 40 F.R. 4186), or the denial, in effect, of applications for registration under the act of pesticide products containing heptachlor or chlordane and intended for shipment in intrastate or interstate commerce.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: January 23, 1976.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

[FR Doc.76-2493 Filed 1-27-76;8:45 am]

[FRL 483-1]

LIST OF VIOLATING FACILITIES

Periodic Revision

Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 *et seq.*, as amended by Public Law 91-604), the Federal Water Pollution Control Act, (33 U.S.C. 1251 *et seq.*, as amended by Pub. Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the executive order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 F.R. 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The initial List of Violating Facilities was published in the FEDERAL REGISTER dated August 7, 1975 (see 40 FR 33284). This List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of any injunction, order, jugment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance; or a conviction in a State or local court for noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 113(a) of the Federal Water Pollution Control Act, or have been subjected to equivalent State or local proceedings to enforce clean air or water standards.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purposes of any such agreement.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities have been placed on the List of Violating Facilities as of January 22, 1976. The List of Violating Facilities will be revised periodically as any listings or de-listings occur.

List of Violating Facilities

Sublist 1.—No facilities listed.
Sublist 2.—No facilities listed.

Dated: 22 January 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

[FR Doc.76-2491 Filed 1-27-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1548]

INTENSE NEUTRON SOURCE FACILITY, LOS ALAMOS SCIENTIFIC LABORATORY, LOS ALAMOS, NEW MEXICO

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, ERDA-1548, Intense Neutron Source Facility, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of legislative action related to the ERDA request for appropriation of funds for Fiscal Year 1977 for the project.

Copies of the draft statement have been distributed for review and comment to Federal and New Mexico State and local agencies and other organizations and individuals. Copies of the draft statement are available for public inspection in the ERDA Public Document Rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, N.W., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; Savannah River Operations Office, Savannah Plant, Aiken, South Carolina.

Comments and views concerning the draft statement are requested from other interested agencies, organizations, and individuals. Single copies of the draft environmental statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Mail Station E-201, Washington, D.C. 20545, (301) 973-4241. Comments should be sent to the same address.

In accordance with guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the project, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Comments on the draft environmental statement will be placed in the above referenced document rooms and will be considered in the preparation of the final environmental statement if received by March 15, 1976.

Dated at Germantown, Maryland, this 22nd day of January, 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator
for Environment and Safety.

[FR Doc.76-2436 Filed 1-27-76;8:45 am]

POSITRON-ELECTRON STORAGE RING PROJECT (ERDA-1546), STANFORD LINEAR ACCELERATOR CENTER, STANFORD, CALIFORNIA

Notice of Availability of Draft Environmental Statement

Notice is hereby given that the Energy Research and Development Administration (ERDA) has issued a Draft Environmental Statement, ERDA-1546, Positron-Electron Storage Ring Project, Stanford Linear Accelerator Center, Stanford, California, pursuant to ERDA's implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of the project which was included in the ERDA Fiscal Year 1976 appropriations Act.

Copies of the draft environmental statement have been distributed for review and comment to Federal and California State and local agencies and organizations and individuals who are known to have an interest in the project. Copies of the statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee
Richland Operations Office, Federal Building, Richland, Washington
San Francisco Operations Office, 1333 Broadway, Oakland, California
Savannah River Operations Office, Savannah Plant, Aiken, South Carolina

Comments and views concerning the draft environmental statement are requested from other interested agencies, organizations and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241. Comments should be sent to the same address.

In accordance with the guidelines from the Council on Environmental Quality, agencies, organizations, and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft environmental statement. Emphasis should be placed on the assesment of the environmental impacts of the project specifically, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments on the draft environmental statement will be placed in the above referenced public document rooms for inspection and will be considered in the preparation of the final environmental statement if received at ERDA by March 15, 1976.

Dated at Germantown, Maryland, this 22nd day of January 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator
for Environment and Safety.

[FR Doc.76-2435 Filed 1-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

1977 WORLD ADMINISTRATIVE RADIO CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATION UNION

[FCC 76-25; Docket No. 20468]

Planning of the Broadcast—Satellite Service

1. On April 30, 1975, the Commission instituted this proceeding with the issuance of a Notice of Inquiry, 52 F.C.C. 2d 1069 (40 FR 20673), for the purpose of soliciting comments and supporting materials to assist in the preparation of United States proposals for the World Administrative Radio Conference (WARC) of the International Telecommunication Union (ITU) which will be convened in Geneva, Switzerland, on January 10, 1977, to plan and Broadcast-Satellite Service in the 11.7-12.2 GHz

frequency band. Since this frequency band is allocated also to the Fixed-Satellite Service in ITU Region 2 (which includes the United States), the Commission pointed out that the decisions reached at the 1977 WARC could have a far reaching impact on the development of both Broadcasting-Satellite and Fixed-Satellite Services in this band. Although the initial Notice as well as this Notice of Inquiry are not rule making actions, the nature and objectives of this conference will undoubtedly result in the revision of several provisions of the International Radio Regulations, which are annexed to a treaty to which the United States is a signatory nation.[1]

2. Subsequent to the issuance of the first Notice, the Administrative Council of the ITU adopted on June 27, 1975, the following agenda[2] for the 1977 WARC:

1. To establish the sharing criteria for the bands 11.7–12.2 GHz (in Region 2 and 3) and 11.7–12.5 GHz (in Region 1) between the Broadcasting-Satellite Service and the other services to which these bands are allocated, namely: the Fixed Service; the Mobile Service (except the Aeronautical Mobile); the Broadcasting Service; the Fixed-Satellite Service (Space-to-Earth) in Region 2;

2. To plan for the Broadcasting-Satellite Service in the above-mentioned bands in accordance with Resolution No. 27 of the Plenipotentiary Conference (Torremolinos, 1973) and Resolution No. Spa 2-2 of the World Administrative Conference for Space Telecommunications, Geneva, 1971;

3. To establish procedures to govern the use of these bands by the Broadcasting-Satellite Service and by the other services mentioned in point 1 above to the extent considered necessary by the Conference.

3. Comments were filed August 1, 1975 by fifteen parties:

ABC Television Network Affiliates Association, CBS Television Network Affiliates Association, and NBC Television Network Affiliates Association (Network Affiliates); American Broadcasting Companies, Inc. (ABC); American Telephone and Telegraph Co. (AT&T); COMSAT General Corp. (COMSAT General); Corporation for Public Broadcasting (CPB); Department of Health, Education, and Welfare (HEW); Joint Council on Educational Telecommunications (JCET); Association of Maximum Service Telecasters (MST); and the National Association of Broadcasters (NAB).

Although filed late, the Commission accepted the following six comments:

State of Alaska, Office of Telecommunications (Alaska); CML Satellite Corp. (CML); Project Interchange; Public Service Satellite Consortium (PSSC); Stanford University, Communications Satellite Planning Center (Stanford); and Western Union Telegraph Co. (WU)

Reply comments were received from ABC, AT&T, CML, COMSAT General, CPB, GTE Satellite Corp. (GTE), HEW, and JCET.

4. In addition, the Commission has considered some preliminary recommendations from a Joint Industry-Government Committee (JI/GC) which was established June 24, 1975, pursuant to the Federal Advisory Committee Act, 5 U.S.C. §§ 1–15 (App. I, Supp. III, 1973).[3] Composed of government and interested industry representatives, the JI/GC has held open public meetings of its six working groups (WG)—WG–A ("Definitions and Terminology"); WG–B ("Sharing Principles"); WG–C ("Sharing Criteria"); WG–D ("Requirements"); WG–E ("Law and non-technical International Policy Implications"); and WG–F ("Procedures"). Their recommendations or suggestions are considered to be preliminary and the Commission will continue to consider additional information from these groups as their deliberations continue.

5. In its first Notice in this proceeding, the Commission advanced the position that U.S. preparations for the 1977 WARC should be based on the principle of assuring flexibility in use of the 11.7–12.2 GHz band for both Broadcasting-Satellite and Fixed-Satellite systems in this country. This position was generally supported by all parties commenting in this proceeding and will form the basis for our further preparations for this conference. Additionally, at the recently concluded Second Inter-American Telecommunications Conference, the head of the U.S. delegation, in an address to the Conference, emphasized the importance of flexibility in the approach of the use of the geostationary orbit, especially within ITU Region 2, which includes the Americas.

6. The first Notice also identified several issues relating to the use of the 11.7–12.2 CHz band which might be addressed at the 1977 WARC and requested comments and proposals, together with supporting materials, in these areas. We specifically sought to obtain information concerning projected requirements of the Broadcasting-Satellite and Fixed-Satellite Services in this band and suggested sharing criteria. To this end, we requested specific information of projected domestic communications requirements and noted possible definitional classification problems; probable baseline technical characteristics of potential Broadcasting- and Fixed-Satellite systems, including receiver standards; proposed technical sharing criteria and possible power flux density limitations; and proposed procedures for obtaining international recognition of Broadcasting-Satetllite frequency assignments. We also requested public reaction to tentative proposals to; (a) share this band through orbit division rather than spectrum division; (b) oppose the imposition of power flux density limits; and (c) model international coordination and frequency notification procedures for broadcasting-satellites in the 11.7–12.2 GHz band after Article 9A of the international Radio Regulations.

Service Requirements

7. Since the 1977 WARC has been formulated as a planning conference, we believe a necessary step in our preparation for the conference is the definition of the potential uses of the 11.7–12.2 GHz frequency band to be made by broadcasting- and fixed-satellite systems in this country to the extent possible at this time. While the comments filed were generally responsive in this area, orbit-spectrum requirements and planned technical characteristics were not submitted in the detail we would have preferred. However, these comments do indicate the wide range of communications services planned to be provided by satellite systems operating in this band and the corresponding need for a flexible international regulatory environment.

8. The parties participating in this proceeding who represent terrestrial broadcasters, (ABC, MST, NAB, and the Network Affiliates) are opposed to the establishment of a direct-to-home Broadcasting-Satellite Service in the United States.[4] They assert that the introduction of such a direct satellite-to-home broadcasting system would undermine and destroy the present terrestrial system of free, local, and independent broadcasting in this country. Their comments reflect that satellite communications needs in this band are for reliable, low cost program distribution services, such as those presently provided by fixed-satellites in the 4 and 6 GHz bands. While they recognize a potential need for broadcasting satellites by other countries in Region 2 at some future time, they urge that nothing be done at the 1977 WARC which might bring about the establishment of a Broadcasting-Satellite Service for direct-to-home service in this country, at least not before a national policy determination can be made concerning the future of broadcasting in the U.S.

9. Other parties interested in educational, medical and other social programming favor the development of a Broadcasting-Satellite Service, in one form or another, in the United States. These parties, including HEW, CPB, JCET, Project Interchange, and PSSC, assert that there is a current documented need for a "community" type reception available from the Broadcasting-Satellite Service based on their experience with the Applications Technology Satellite–6 (ATS–6) and their planned programs with Communications Technology Satellite (CTS). JCET describes the basic

[1] In its First Notice of Inquiry, 52 F.C.C. 2d 1069 (1975), the Commission summarized the background of this conference, the frequency allocations in the 11.7–12.2 GHz band, and history regarding Broadcasting-Satellite Service in this country.

[2] Resolution No. 762, Document No. 4848–E (CA 30–160).

[3] Ancillary to the proceedings in this docket, it should be noted that additional technical preparatory work is also being performed in the U.S. Study Groups of the International Radio Consultative Committee (CCIR). In addiiton, a Joint Working Party, composed of various CCIR study groups, will hold a meeting May 10–June 2, 1976, to provide technical input to the 1977 WARC.

[4] Western Union also sees no forseeable requirements for the Broadcasting Satellite Service in the U.S., at least in the 11.7–12.2 GHz band.

type of service required as the delivery of one or more television signals to a surface complex in which single ground stations are located at universities, schools, hospitals, community centers, cable headends or other centers of organized community activities.[5] Several proponents of the Broadcasting-Satellite Service, in defense of the position of adequate U.S. preparation for the 1977 Broadcasting-Satellite WARC, point out that the controversy concerning the implementation of a broadcasting-satellite service in the United States is a national issue and should not be treated in this proceeding.

10. The State of Alaska points to the natural conditions of distance, climate and terrain which, together with its lack of a well developed communications infrastructure, make Alaska more dependent on satellite communications than any other state. It points to the current plans for more than a hundred earth stations in Alaska with 4.5 meter antennas in the 4 and 6 GHz Fixed-Satellite bands before the end of 1977 for emergency, medical and message telephone voice channels, as well as television reception. The State has indicated that a requirement for 300 to 1000 earth stations is likely to evolve in that state over the next decade, and points to the demand in isolated Alaskan communities for instructional, particularly on demand, and entertainment television.

11. COMSAT General believes that a primary use of the 11.7–12.2 GHz band will be "small user" or "thin route" applications utilizing relatively higher powered satellites and inexpensive earth terminals in comparison with present high density fixed-satellite services. Somewhat similarly, ABC believes that the band's characteristics can make feasible systems employing small earth receiving stations for multiple point reception and distribution of television programming. Both COMSAT General and ABC point to the problems of sharing the 4 and 6 GHz bands with terrestrial microwave systems; and COMSAT General notes the propagation problems associated with the 20 and 30 GHz bands available for satellite communications. At any one receiving location the communication requirement might be relatively small, but COMSAT General believes that the total demand for such a service will be substantial. And ABC states (incorrectly) that over 120 earth station applications are currently on file for the distribution of pay television programming. In sum, COMSAT General thinks that the 12 and 14 GHz bands are the most effective of the currently available bands to serve such users with small earth stations located at the user's premises in view of the technical, operational and economic problems associated with the other bands mentioned. Potential types of services that may be provided by fixed-satellites in the band 11.7–12.2 GHz which have been identified by various parties include private line voice and data channels, message telephone service to remote areas, and program distribution services.

12. While none of the parties advocate a retreat from our previously established policy that the 11.7–12.2 GHz band be primarily utilized by satellite systems in this country, there does appear to be a significant difference of opinion regarding the need for a broadcasting-satellite service in this country. However, this difference of opinion appears to revolve about the question of whether broadcasting-satellites would be used for direct-to-home "individual reception", which is opposed by the terrestrial broadcasting interests, or for "community reception" for educational, medical and other social programming as proposed by those parties whose primary interests lie in this area.

13. An apparent definitional ambiguity concerning "community reception" in the Broadcasting-Satellite Service was discussed by HEW, CPB and JCET. However, the service definitions do not appear to be at issue at the 1977 WARC. It must be remembered that "community reception" was not more clearly defined by the delegates to the 1971 WARC because the concept represented a reconciliation of many divergent national concepts of the Broadcasting-Satellite Service and projected domestic services which each country felt could best utilize satellite technology.

14. The Commission notes that the parties advocating community reception services in the Broadcasting-Satellite Service in this band have been or will be conducting experimental operations with the ATS–6[6] and CTS satellite. As such, they have not been in a position to define prescisely their service requirements. Consequently, HEW urges that "* * * options and alternatives for future applications of this technology should be kept as broad as possible and that access to the frequency spectrum and flexibility in its use be maintained and protected at least until a great deal more knowledge of technical performance and social application becomes available."

15. The Commission believes that preparations for the 1977 WARC should focus on the establishment of an appropriate international regulatory framework for the 11.7–12.2 GHz band in which all U.S. domestic communications requirements can be adequately satisfied. As such, we do not believe it proper in this proceeding to resolve questions relating to the appropriate domestic regulatory framework that would govern the authorization of such facilities in this country since such matters must necessarily be the subject of future rule making proceedings. Rather, our preparatory efforts for the 1977 WARC should be focused on identifying any potential need for satellite communications that can be satisfied in the 11.7–12.2 GHz band and assuring that the international Radio Regulations do not unduly restrict our ability to implement satellite systems to satisfy such domestic needs in the future if found to be in the public interest.

ORBIT-SPECTRUM UTILIZATION

16. Virtually all comments received in this Docket which have addressed the above topic have advocated a position of orbital versus spectral division as a method of sharing the band between and among the Broadcasting- and Fixed-Satellite Services. Time zone coverage patterns have been proposed by JCET for broadcasting-satellites and a 2° Alaskan coverage pattern has been proposed by the State of Alaska. CML and GTE have proposed that orbit assignments be made so that the highest elevation angles result at fixed-satellite earth stations so as to effect the maximum sharing between fixed-satellite and terrestrial services in the 14.0–14.5 GHz band and to obtain full advantage of the low noise receivers used in the Fixed-Satellite Service. Broadcasting-satellites would be placed toward the lower arc extremities. This proposal has been opposed by CPB and JCET. COMSAT General and CML have each proposed that orbital assignments be made contingent upon the emissions being used, placing similar emissions adjacent to each other on the orbital arc. One study[6A] has "concluded that there is no special advantage to locating the broadcasting-satellites at the end of the arc for the pair of baseline system and the fixed-satellite carrier size in question" thereby suggesting that this topic should be the subject of further investigation. This same study considers several development techniques involving the interleaving of "higher" and "lower" powered satellites to effect better utilization of the orbit/spectrum resource. Where more than two satellite types are considered in a development technique, the method of minimizing the degree of inhomogeneity between adjacent satellites is employed in that study.

17. The JI/GC Working Broup B on Sharing Principles, which is open to full public participation, has produced a report[7] which has been submitted as a consensus of that group. This report, which was submitted in early December, sets forth a recommended approach with regard to use of the geostationary orbit among broadcasting-satellite and fixed-

[5] Wideband data transmission to libraries during non-TV hours, as well as audio return channels, are also mentioned as possible requirements. However, by international definition, return channels are not in any broadcasting service.

[6] Present Status of Broadcasting-Satellite, FCC OCE Report, No. RS 75–06, NTIS No. PB 245563/AS.

[6A] Orbit Spectrum Sharing Between the Fixed-Satellite and the Broadcasting-Satellite Services with Applications to 12 GHz Domestic Systems, R–1463–NASA, p. 172, May 1974.

[7] Orbit Principles, Joint Industry-Government Committee Working Group B (Sharing Principles), available in Docket 20468.

satellite services in the band 11.7–12.2 Ghz in ITU Region 2. In this connection it has considered four approaches:

(1) Status Quo; (2) Spectrum Division; (3) Orbit Division; (4) Detailed Planning. Option (1) was rejected because it may lead to poor spectrum-orbit utilization and because it may deny equitable access to future users; option (2) was rejected because it was considered to result in a less effective use of the orbit and spectrum; Option (3) is the recommended approach; Option (4) was rejected because it will lead to premature freezing of system characteristics and apportionment of the orbit between the Broadcasting- and the Fixed-Satellite Services in this band.

In the Option 3 approach, the working group has suggested the adoption of a set of "principles" to govern the use of the geostationary orbit. The working group recommended this option because it appeared to them to offer (a) the best compromise between unplanned and unrestricted growth leading to low spectrum-orbit utilization efficiency, and the premature freezing of system characteristics inherent in the option of detailed planning; (b) the greatest assurance of equitable access for future users while retaining the greatest possible freedom and flexibility for all users, and (c) the best opportunity for ensuring that the total capacity of the spectrum orbit-resource in this band, would be more than sufficient to meet the anticipated need and demand in ITU Region 2.

18. To implement this option, the JI/GC Working Group B recommended the adoption of certain orbit-sharing principles. These included:

(a) Maximum Flexibility with Respect to System Characteristics.

(b) Maximum Flexibility with Respect to Orbit Apportionment: Until relative need and demand can be ascertained, maximum flexibility should be maintained with respect to the apportionment of the orbit between broadcasting- and fixed-satellites.

(c) Use of cross-polarization (currently in use by domestic satellites).

(d) Use of Frequency Interleaving (currently in use by domestic satellites).

(e) Use of Crossed-Path Geometry: This principle proposes that adjacent satellites should serve areas separated by at least one other service area.

(f) Use of Paired Service Areas: This principle would call for the pairing of widely separated geographic areas which would be served by the same satellite location.

(g) Clustering: This principle would cluster satellites with similar characteristics, and generally attempt to limit the number of interfaces between different clusters to a minimum.[8]

(h) Equitable Burden Sharing: The burden of accepting interference should be shared on an equal basis.

The method for effectively applying these principles is elaborated in the previously referenced Working Group B report. This report also includes an estimate of the type of orbit capacity which might be obtained for different configurations of broadcasting- and fixed-satellite systems in the 11.7–12.2 GHz band. The assumptions, baseline system characteristics, and methods for calculating these capacities are stated to be derived from references 6A and 7 of this Notice. Attached to this Notice as Appendix 1 is a Table from the Working Group B report, which contains the above-mentioned estimates of orbit capacity.

19. The Commission has had the opportunity to preliminarily review the report of Working Group B, although a more comprehensive analysis is still underway. While the Commission supports the adoption of reasonable guiding "principles" for the effective utilization of the geostationary orbit at 11.7–12.2 GHz, the practical application of these principles and their anticipated effect on the utilization of the orbit raise questions, some of which are listed below:

(a) Which of these principles, if any, should be included within the International Radio Regulations?

(b) Maximum Flexibility with Respect to System Characteristics. In the absence of any restraining regulations, it appears that characteristics of systems would have complete flexibility. If this is the case, should this "principle" be enunciated within the international Radio Regulations? What is the proper balance between maximum flexibility and good orbit-spectrum utilization? An analysis in a recent CCIR 4/15[8A] paper shows that inhomogeneity of systems reduces the efficiency of orbit-spectrum utilization. Also, CCIR Report 453, section 6, page 196 states "the most efficient utilization of the orbit would be obtained if all the satellites utilizing the geostationary satellite orbit * * * formed a homogeneous assembly."

(c) Cross-Polarization. The AT&T and RCA satellites both feature linear orthogonal polarizations, but their reference directions are different. To effectively use the "principle" of cross-polarizations, would not standardized reference directions for the linear orthogonal polarizations be essential? Can satellites, designed for serving separated areas, use exactly the same directions for orthogonal linear polarizations? CCIR Report 555 discusses polarization discrimination for frequencies below 10 GHz. The Working Group B report appears to assume an achievable sidelobe polarization discrimination of 7.5 dB in the 11.7–12.2 GHz band. How much effective cross-polarization discrimination can be realized with various types of antennas, particularly in the sidelobes, in the 12 and 14 GHz bands?

(d) Frequency Interleaving. Frequency interleaving and crosspolarization schemes are currently used in domestic satellite systems. When transponders have equal bandwidth and each transponder has one carrier frequency, the frequency interleaving is beneficial and easily implemented. The Commission, however, is uncertain about the bandwidth that would be used by different satellites operating in the 12 GHz band. One satellite may use all 54 MHz transponders; a second satellite may use a 250 and some 40 MHz transponders. In another satellite a transponder may be completely filled with single-carrier-per-channel (SCPC) or other multi-carrier signals. How would the concept of frequency interleaving be applied with widely varying bandwidth transponders and transponders with multi-carrier signals? CCIR Report 453–1 Sec. 3.2, Pg. 194, 1974 states "* * * the advantage of frequency interleaving between satellites may be restricted to relatively few applications". Can a generalized frequency interleaving principle be stated and implemented in terms of avoiding coinciding carrier frequencies and with what benefit?

(e) Crossed-Path Geometry. In discussing this principle the Working Group B report states "In the case of broadcasting-satellites, it is expected that no more than one satellite will be required for one service area, which may be a country, a time zone of a country, * * *" Is it unexpected that Canada or the U.S. will have no more than one satellite serving a given area? Review of the footprints of the CTS[9] and the Japanese broadcasting satellites reveals that the service areas are not sharply defined. Each of the footprints covers a wide area, outside the intended service area, with a fairly high level of signal. In practice, two satellites serving areas separated by one other service area could have overlapping illuminations of significant magnitude. This effect is accentuated when one considers the allowable satellite antenna pointing error of 0.5° (No. 470VF of the International Radio Regulations).

(f) Paired Service Areas. The Working Group B report states that ". . . the new satellite should be assigned to the same (if possible) or an adjacent location with respect to the satellite already there." Satellites have finite station keeping tolerances. Current Radio Regulation No. 470VD specifies ±1° as the station-keeping tolerance. As a result, the minimum required satellite spacing is 2°. In one analysis in the Working Group B report, a recommended spacing of 0.75° between fixed-satellites is given. If satellites were assigned to adjacent positions, this spacing would be tighter than the current required station-keeping tolerances, although the current state-of-the-art would allow for considerably tighter tolerances. The current designs of broadcasting-satellites use only a portion of the allocated 11.7–12.2 GHz band. It is possible that broadcasting-satellites, for several years, would use only a portion of this band and at least two closely spaced satellites would be required to fully utilize this band. Comments are requested as to how the "paired service area" technique could be implemented in practice in the foreseeable future.

(g) Clustering. When computing the orbit capacities shown in the appendix to the Working Group B report, consideration was given to four representative types of satellites in the 12 GHz band. US domestic systems have been inhomogeneous in many respects, such as earth station antenna diameters and types of signals carried. The Commission would not be surprised if no two satellite systems operating this band would have exactly identical characteristics because of the dynamic nature of the field. It is possible that initial satellites will have transponders for each service. On the other hand, the clustering principle states that similar, not necessarily identical, satellites be grouped together. In view of this, how can the clustering principle be applied in practice? The apportionment of the orbit appears to be closely related to the clustering technique. In view of this close relationship does there appear to be a need to enunciate

[8] A representative arrangement of satellites, mentioned by JI/GC Working Group "B" is to have all broadcasting-satellites in one cluster and all fixed-satellites in another.

[8A] International Radio Consultative Committee, U.S. Study Group 4—Fixed Service Using Communication Satellites.

[9] Appendix 2.

separately the "principle" of maximum flexibility with respect to orbit apportionment?

(h) Equitable Burden Sharing. The Commission agrees with the principle of equitable sharing of the interference burden. How can this be accomplished under actual operating conditions?

As previously stated, the Commission suports the adoption of reasonable guiding principles in lieu of a detailed planning of the geostationary orbit. It is hoped that the discussion of the abovementioned questions will provide a greater insight into the actual capacity of the orbit for the 12 GHz band and provide comment on the implementation of such principles. In particular, comments are invited on the practical application of each of the principles listed in Paragraph 18 above.

20. The Commission would now like to address several other items of interest within the Working Group B report. The table of baseline system characteristics used in this report (Appendix A, Table A–4) does not include the uplink parameters of the satellite systems. For a 25 percent broadcasting-satellite use of the orbit/spectrum resource, the 150° usable arc could contain 147 broadcasting-satellites with 3,625 TV channels and 147 fixed-satellites with 2.117 million voice circuits. In another case, for 75 percent broadcasting-satellites, the 150° arc could accommodate 439 broadcasting-satellites with 10,975 TV channels and 49 fixed-satellites with 705,600 voice channels. These numbers, as stated in the Working Group B report are not optimum. Figure 1 of Appendix 3 shows the orbital separation in degrees, using the baseline system characteristics listed in Appendix 5 of the first Notice of Inquiry in this proceeding, as a function of broadcasting-satellite e.i.r.p. in dBW for fixed-satellite service earth station diameters of (1) 12m, (2) 4.8m, (3) 2.25m, without application of the above sharing principles. A sample calculation of the orbital spacing between broadcasting-satellites and fixed-satellites with common coverage areas is also shown in Appendix 3. This example shows that when a small fixed-satellite earth station is located within the service area of a broadcasting-satellite with large e.i.r.p., a relatively large orbital separation may be required. On the other hand, Working Group B has concluded that when the recommended principles such as cross-polarization, and the judicious assignment of service areas are applied, the spacing shown in this figure may be reduced by a factor of four or more. The results of a recent NASA study on the orbital separation between the CML and CTS satellites,[9A] assuming a 10 dB cross-polarization, are shown in Appendix 4. Are the assumptions made in the appendix to the Working Group B report practical and realistic? What are the prospects for actually realizing such ideal orbit-spectrum utilization? Should factors such as cost and time delay to implement such "principles" as recommended in the report, as well as their consequential effect on the public interest, be included in the calculation of the orbital capacity and with what impact? To prevent situations requiring large separations between satellite systems in this band, should the U.S. propose certain minimum technical standards for the Broadcasting Satellite Service receive earth stations such as antenna sidelobe envelope patterns, antenna gain to receive noise temperature ratios, etc? If so, what should these standards be? What problems, if any, may arise in the implementation of the Working Group B recommended principles?

21. The Commission favors an open entry policy. The "principles" recommended by Working Group B of the Joint Industry/Government Committee may well be the only way to preserve open entry. Should any or all of the "principles" recommended by the Working Group B, and any other "principles(s)" be incorporated into the international Radio Regulations? If so, it would mean that they would be incorporated into a document which is annexed to a treaty to which the U.S. is a signatory nation. In practical terms, these "principles" could form part of the Commission's Rules and would be obligatory to all parties. Generally, technical matters, such as these principles, are submitted to the CCIR before incorporation into the Radio Regulations. Would it be desirable to include any or all of the principles and/or standards in the Radio Regulations and/or the CCIR?

22. The broadcasting-satellite frequency band 11.7–12.2 GHz would require an uplink band to complete the service requirement. This is universally considered to be the 14.0–14.5 GHz band. If the "principles" recommended by Working Group B are adopted for the 11.7–12.2 GHz band, it would appear that it would be necessary to adopt similar "principles" for the associated uplink frequencies. This band (14.0–14.5 GHz) would also be used by INTELSAT–V whose earth stations would be located in many areas, including Region 2. Would it be essential for the INTELSAT to implement these "principles"? In view of the limited scope of the 1977 WARC (11.7–12.2 GHz in Region 2), what would be the appropriate manner in which to address this issue?

23. Canada has recently entered into a contract with RCA for the construction of a satellite in the 11.7–12.2 GHz band to be launched in 1978. The Commission has received an application from Satellite Business Systems (SBS) for the establishment of a satellite system in this band. With about two years time required for the construction of a satellite, the construction of the Canadian satellite will be well advanced before the Final Acts of the 1977 WARC come into force. The SBS satellite may well be in the same situation. How would the Canadian, and any other satellite, designed during this period, fit into the framework of these "principles" if they are constructed prior to the 1977 WARC?

24. Limited comments were received in response to Appendix 3 of the first Notice of Inquiry, particularly with respect to baseline technical characteristics of potential systems in the Broadcasting- and Fixed-Satellite Services. In view of the limited responses, comments are again requested on planned systems technical characteristics. No specific U.S. proposals are being advanced at this time concerning baseline technical characteristics or specific orbit-spectrum requirements. However, any comments received and any other information before the Commission will be considered in the course of our preparation for the 1977 WARC.

25. As stated in the Commission's first Notice of Inquiry in this proceeding, the Commission believes that procedures similar to those given in Article 9A of the international Radio Regulations should be considered for the Broadcasting-Satellite Service. Article 9A provides for the coordination of, and the securing of protection for, stations operating in other space services. Our position was supported by COMSAT General, CPB, and the JCET. The only other party responsive to this topic was Western Union which stated that the only space service allowed in the band in question would be the Fixed-Satellite Service.

The JI/CC Working Group F has recommended that Article 9A of the international Radio Regulations be modified to include broadcasting-satellite operations in the band 11.7–12.2 GHz which are presently covered in Resolution Spa 2–3. The Commission has this matter under consideration and, accordingly, requests comments.

Technical Sharing Criteria

26. The first Notice of Inquiry in the docket solicited comments regarding the sharing of the 11.7–12.2 GHz frequency band. Response to this question, with the exception of the proposed "apportionment" of the geostationary orbit, was very limited. As stated in the Commission's first Notice of Inquiry, a technical analysis contained in a report [10] prepared for NASA in May, 1974, concludes that the 11.7–12.2 GHz could best be utilized through orbit-division rather than spectrum division between broadcasting- and fixed-satellite services, which means that a satellite in either service should be capable of utilizing the entire 500 MHz allocation. The JI/GC Working Group C on Sharing Criteria has been considering candidate performance standards to be considered in preparation for the 1977 Broadcasting-Satellite WARC. Included among those criteria being considered are:

1. Power flux density.
2. Satellite station keeping error.

[9A] Based on the designed Communications Technology Satellite and the most likely characteristics of the CML satellite as determined at the time.

[10] Orbit-Spectrum Sharing Between the Fixed-Satellite and Broadcasting-Satellite Services with Applications to 12 Domestic Systems, Rand Report R–1463–NASA, May 1974.

3. Satellite repositioning capability.
4. Modulation characteristics.
5. Energy dispersal.
6. Polarization plan.
7. Frequency plan.
8. Earth station antenna size and discrimination.
9. Earth station antenna repointing capability (within the service arc).
10. Earth station receiver retuning capability (with the 11.7–12.2 GHz band).
11. Earth station receiver interference rejection capability.
12. Earth station receiver noise temperature.
13. In-band interference limit.
14. Out-of-band emission limits.
15. Emission control.

27. With respect to power flux density limits, the first Notice of Inquiry in this Docket pointed out that the U.S. position has been that no power flux density limits should be imposed in the 11.7–12.2 GHz frequency band. There was unanimity in the comments of all those addressing this question. All felt that no power flux density limitations should be imposed at this time. The Commission is inclined to agree with JCET's claim that present technology will be the limiting factor on power flux densities in this band. Accordingly, consistent with our policies of flexibility in the development of the 11.7–12.2 GHz band, the Commission does not intend to advance any proposals to the 1977 WARC limiting power flux densities in this band.

28. In its filing, AT&T suggested "the adoption of U.S. position limiting the allowable out-of-band energy radiated by broadcasting and fixed service satellites which are authorized to operate in the 11.7–12.2 GHz band to values at least 20 dB below those given in Radio Regulation No. 470 NQ." CML, CPB, and JCET in their reply comments suggest that the AT&T proposal is much too stringent. CML has suggested that "fair frequency allocation, however, should establish spillover interference limits that result in an equal apportionment of guard bands to any two adjacent services." The Commission acknowledges the need to protect radio relay systems. However, the imposition of stringent limits at this time appears to be premature and a careful study is required in this area. The experimental Communications Technology Satellite (CTS) is scheduled for launching in early 1976, and the Commission would encourage experimentation with CTS for developing standards on out-of-band emissions. From the results of the CTS experiments, and from theoretical studies, a final U.S. position on out-of-band emissions could be developed for the 1979 General WARC. The only other broadcasting satellite planned to be launched in the foreseeable future is the Japanese broadcasting-satellite whose footprints are expected to be greatly attenuated over the United States. The Commission has received a preliminary suggestion from the JI/GC Working Group C on Sharing Criteria that provisions be adopted which would limit the interference noise, in the adjacent band, to 100 pWp0. The Commission believes that while the level of the emission can be accurately measured, the interference noise may be impossible to measure accurately in the presence of other noise, and further notes that the Working Group suggested interference noise limitation is independent of frequency. The Commission proposes for consideration, in the event it is deemed advisable to put such limits within the international Radio Regulations, the following interim criteria:

In any 4 KHz band, the center frequency of which is removed from the assigned frequency by—

More than 50 up to and including 250 percent:

$A=9+0.2(P-50)+10\log_{10}B$, but in no event less than 25 decibels (attenuation greater than 55 db is not required).

More than 250 percent:

$A=43+10\log_{10}$ (mean output power in watts) decibels or 55 decibels, whichever is lesser.

where

A=attenuation in decibels below the mean output power level.
P=percent removed from the carrier frequency.
B=authorized bandwidth in MHz.

When considering each of these criteria on emission limitations, consideration should be given to whether these criteria should be included in the international Radio Regulations in view of existing Radio Regulation Numbers 116, 674, and 697 which collectively include general provisions for the handling of interference arising from excessive emissions into adjacent bands. The Commission is of the view that it may be desirable not to include specific numerical limits in the international Radio Regulations. The state of the art may advance such that any of the numerical formulations advanced above may not be stringent enough at some future date. From that time until the Radio Regulations can be amended, the effect of Radio Regulation No. 674 would be undercut by any station meeting the numerical limit but still using greater bandwidth than the state of the art might then require. The Commission consequently is undecided whether to propose entering numerical limits into the Radio Regulations. Comments are requested regarding each element of the foregoing discussion.

29. With regard to the remaining criteria, preliminary suggestions have been advanced by JI/GC Working Group C for certain of the above criteria. These include:

(a) Satellite station keeping error: ±0.1 degree
(b) Satellite repositioning capability: 10 degrees
(c) Earth station receive antenna discrimination: $10.5+25\log(\phi/\phi_0)$
(d) Earth station receive returning capability: entire frequency band
(e) Emission control: Capability to turn off emission if satellite deviates beyond station keeping limit.

The Commission tentatively proposes the adoption of provisions in the international Radio Regulations which would recognize the utilization of the 11.7–12.2 GHz frequency band by broadcasting-satellites by orbit versus spectrum division; require that stations on satellites in the Broadcasting-Satellite Service in the geostationary orbit maintain their positions within ±0.1°; and tighten restrictions upon the pointing accuracy [11] of antennas of stations on satellites in the Broadcasting-Satellite Service. Comments are hereby solicited on the above mentioned proposals and the preliminary suggestions of JI/GC Working Group C. When considering the proposals of Working Group C, which do appear to be in consonance with the current U.S. position of flexibility with regard to use of the geostationary orbit, consideration should be given to the consequential effects of these regulations where large numbers of individual type receiving systems may be involved in the Broadcasting-Satellite Service. Should one or more of these criteria be included in CCIR alone, or in the international Radio Regulations?

30. In its comments, AT&T has suggested that "a substitute mobile allocation in this range of frequency spectrum will eventually have to be developed in order to provide a replacement for common carrier TV pickup use." Successful coordination between mobile stations and earth stations is very difficult to achieve. During the preparation for the 1971 WARC–ST, it was made clear that the allocation of the mobile service in the U.S. in the band would be phased out with the introduction of the satellite services. In this regard, the Commission expects that the common carrier TV mobile pickup service in this band would be phased out as satellite systems develop in this band. The finding of replacement frequenceis for the TV mobile pickup service is beyond the terms of reference of our preparations for the 1977 WARC, and will be considered at a later date as necessary in an appropriate rule making proceeding.

31. As stated in the first Notice of Inquiry in this proceeding, time will be an important factor since the 30th session of the administrative Council of the ITU has set the Conference starting date of January 10, 1977. Proposals will require forwarding to the Department of State probably by July 1, 1976. In view of the time frame in which we are working, it is unlikely that a further Notice of Inquiry will be issued prior to the adoption of a final Report and Order. Therefore, the need for the most comprehensive treatment of the proposals and questions present in this Notice cannot be overemphasized. Inputs from the Joint Industry-Government Committee will be considered, along with any other pertinent data which may be before the Commission.

32. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended, a Second Notice of In-

[11] Radio Regulation No. 470VF. CCIR Report 453–1, Sec. 2–3 indicates that an antenna pointing accuracy of ±0.1° is feasible.

quiry is adopted into the matter captioned above.

33. Interested parties may file comments on or before March 5, 1976, and reply comments on or before March 24, 1976. Although Section 1.419 of the Commission's rules requires that an original and eleven copies of all statements, briefs or comments be filed in response to this Notice, the Commission's conference preparatory organization necessitates the filing of an original and nineteen copies. All relevant and timely comments and reply comments filed in this proceeding will be considered. In this connection, INTELSAT is also invited to file comments and reply comments in this proceeding, particularly with respect to the issues raised in paragraph 22 above. The Commission may also take into account other pertinent information before it in addition to the specific comments and reply comments elicited by the Second Notice of Inquiry.

Adopted: January 15, 1976.

Released: January 22, 1976.

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

Appendix 1

This does not necessarily represent the views of the Commission

NUMBERS OF SATELLITES AND TOTAL CHANNELS

	BS:	I	I	I	I	C	C	C	C
	FS:	S	S	L	L	S	S	L	L
	Polariz. of BS	CO	Cross	CO	Cross	CO	Cross	CO	Cross
25% BS	No. of BS	9	18	10	19	74	148	74	147
	No. of FS	143	143	144	144	147	147	147	147
	No. of TV Chan.	225	450	250	475	1,850	3,700	1,850	3,625
	No. of Voice Chan.	1.373M	1.373M	2.074M	2.074M	1.411M	1.411M	2.117M	2.117M
50% BS	No. of BS	18	36	19	37	148	295	147	293
	No. of FS	95	95	97	97	99	99	98	98
	No. of TV Chan.	450	900	475	925	3,700	7,375	3,625	7,325
	No. of Voice Chan.	912K	912K	1.397M	1.397M	950.4K	950.4K	1.411M	1.411M
75% BS	No. of BS	27	54	28	55	221	442	220	439
	No. of FS	48	48	49	49	49	49	49	49
	No. of TV Chan.	675	1,350	700	1,375	5,525	11,050	5,500	10,975
	No. of Voice Chan.	460.8K	460.8K	705.6K	705.6K	470.4K	470.4K	705.6K	705.6K

Abbreviations: BS - Broadcasting Satellites; FS - Fixed Satellites; I - Individual Reception; C - Community Reception; S - Small (Earth-Station Antenna Diam. = 5M); L - Large(Earth-Station Antenna Diam. = 10M)

Note: Normal sidelobe control on broadcasting satellite.

Appendix 2

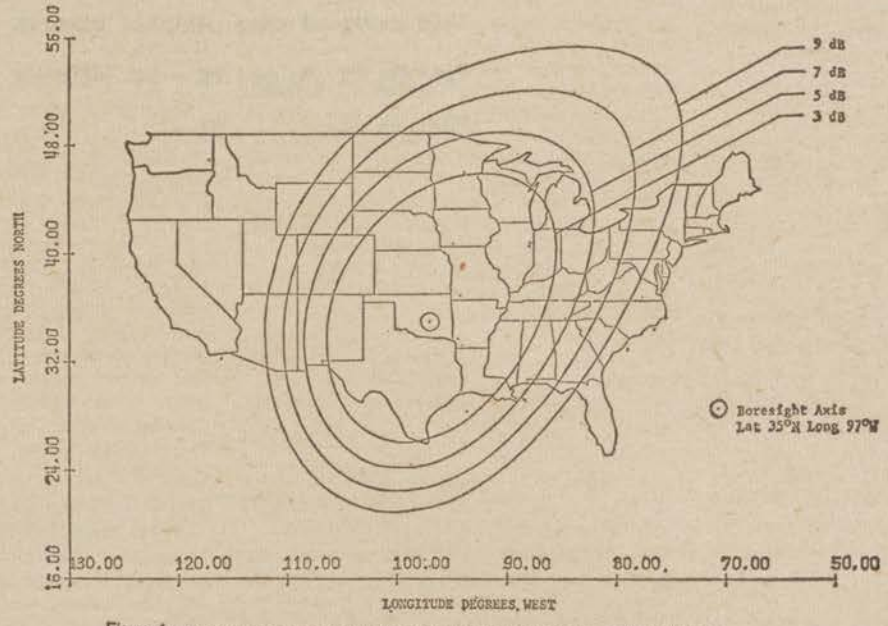


Figure 6. TYPICAL CTS ANTENNA COVERAGE FOR THE GIVEN BORESIGHT AXIS IN THE U.S.
Contours of Constant Loss in Signal Strength

Appendix 3

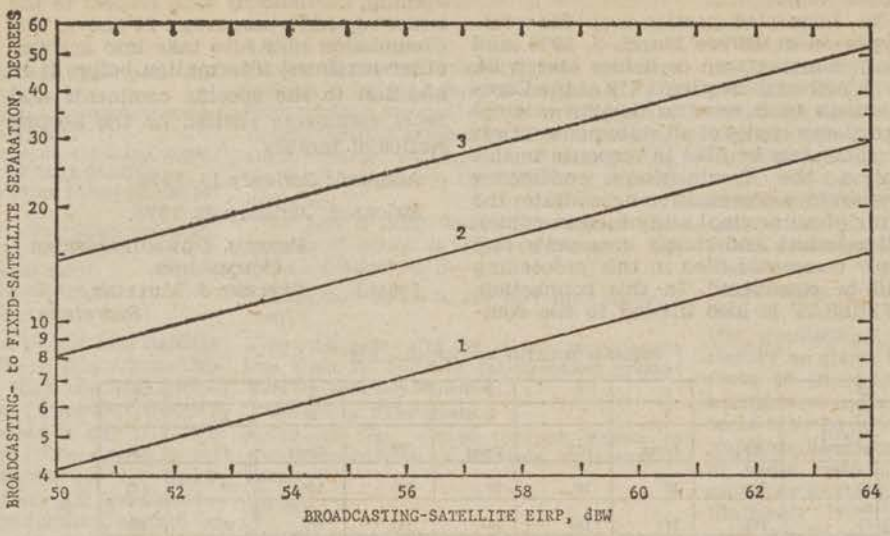


FIGURE 1

Broadcasting- to fixed-satellite orbital separation in degrees as a function of the broadcasting-satellite EIRP in dBW. Fixed-satellite receive earth station antenna diameter:

1 - 12.00 meter
2 - 4.80 meter
3 - 2.25 meter

Calculation of interference from one Broadcasting- to another Fixed-Satellite system.

	Uplink	Downlink
Gain, earth station (wanted signal, dBi)	61.9	60.5
Gain earth station (unwanted signal) at 6.6°, dBi	11.5	11.5
Antenna suppression, dB	50.4	49.0
Relative transmitter, dBW	-	-7.5
Net Suppression, dB	50.4	41.5
Interference reduction factor, dB	23	23
	73.4	64.5
Desired signal, reference 0 dBm, dB (pWp0)	90	90
Interference, dB, pWp0	16.6	25.5
Interference, pWp0	46	354
Total interference, pWp0	400	

Antenna sidelobe gain is given by:

$G(dBi) = 32 - 25 \log_{10}\theta$, $1° \leq \theta \leq 48°$

$= -10$, $48 \leq \theta \leq 180°$

Appendix 4

ORBITAL SPACING BETWEEN ADJACENT CML AND CTS SATELLITES
(10 dB POLARIZATION ISOLATION ASSUMED)

	SINGLE DOWNLINK INTERFERENCE	SINGLE UPLINK INTERFERENCE	TOTAL INTERFERENCE*
CTS INTERFERENCE ON CML	(TO 16' ANT.)	(FROM 10' ANT.)	
FM-TV ON FM-TV OR 50 MBPS	2.3°	1.3°	3.0°
FM-TV ON 1.5 MBPS	8.0° (FROM 200W TWT) 3.2° (FROM 20W TWT)	8.0°	12.0°** 12.0°**
DIGITAL TV ON 1.5 MBPS	1.0°	1.6°	2.7°
CML INTERFERENCE ON CTS	(TO 15' ANT.)	(FROM 16' ANT.)	
FM-TV OR 50 MBPS ON FM-TV	0.5°	1.5°	2.2°
50 MBPS ON DIGITAL TV	0.5°	7.1°	10.2°
FM-TV ON DIGITAL TV	0.5°	9.4°	13.5°

*INCLUDES UP AND DOWNLINKS +3 dB FOR ANOTHER ADJACENT SATELLITE +1 dB FOR OTHER SATELLITES
**FREQUENCY PLANNING COULD REDUCE ORBITAL SPACING

[FR Doc.76-2340 Filed 1-27-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-420]

APPALACHIAN POWER CO.

Amended Notice of Filing and Designation of Docket Numbers

JANUARY 21, 1976.

By notice issued in this docket on January 13, 1976 it was indicated that Docket No. ER76-420 was assigned to Appalachian Power Company's (Apco) December 31, 1975 filing of a proposed modification of the fuel adjustment clause contained in its FPC Rate Schedule Nos. 50 and 51 applicable to the Cities of Radford and Bedford, Virginia.

Docket No. ER76-420 refers only to Apco's December 31, 1975 filing of changes in its FPC Rate Schedule No. 51 to the City of Bedford, Virginia. The filing which includes changes in FPC Rate Schedule No. 50 applicable to Radford, Virginia will be separately noticed and separately docketed.

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 29, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2523 Filed 1-27-76;8:45 am]

[Docket No. ER76-425]

APPALACHIAN POWER CO.

Filing of Proposed Modification of Fuel Adjustment Clause

JANUARY 21, 1976.

Take notice that Appalachian Power Company (APCo) on December 31, 1975 submitted a proposed modification of the fuel adjustment clause contained in its FPC Rate Schedule No. 50 applicable to the City of Radford, Virginia.

APCo claims in its letter of transmittal that under previous orders of the Federal Power Commission its unilaterial submission of a modification of a fuel adjustment clause is barred under the *Sierra Pacific-Mobile* doctrine, but that in order to avoid even a technical non-compliance with the requirements of the Commission's Order No. 517, it has submitted a modified fuel adjustment clause which conforms to the requirements of Section 35.14 of the Commission's Regulations. APCo also claims that it has special operating characteristics which warrant, upon the good cause showing made by it, a delay in the implementation of Section 35.14 for a period not to exceed one year.

Copies of the submittal made were served upon the affected customer and upon the Virginia State Corporation Commission and upon the West Virginia Public Service 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 29, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2524 Filed 1-27-76;8:45 am]

[Docket Nos. E-9499; E-9502; ER76-20]

MINNESOTA POWER AND LIGHT CO. AND SUPERIOR WATER, LIGHT AND POWER CO.

Further Extension of Procedural Dates

JANUARY 21, 1976.

On December 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 18, 1975, as most recently modified by notice issued December 4, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 27, 1976.
Service of Intervenor Testimony, February 10, 1976.
Service of Company Rebuttal, February 24, 1976.
Hearing, March 2, 1976 (10 a.m., e.s.t.).

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-2525 Filed 1-27-76;8:45 am]

[Docket Nos. CP73-135, CP74-137, CP74-227, and CP76-9]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP., APPLICANT

Notice of Availability of Draft Environmental Impact Statement

FEBRUARY 3, 1976.

Notice is hereby given in the above dockets that on February 3, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a Draft Environmental Impact Statement (DEIS) prepared by the staff of the Federal Power Commission was made available. This DEIS deals with applications filed by Distrigas Corporation and Distrigas of Massachusetts Corporation in Docket Nos. CP73-135, CP74-137, CP74-227, and CP76-9 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria, for the construction and operation of an LNG importation terminal at Everett, Massachusetts, and for the sale in interstate commerce of the imported LNG in both liquid and vapor form.

This DEIS has been circulated to Federal, state and local agencies, and all parties to the proceeding. The DEIS has been placed in the public files of the Commission and is available for public

inspection at its Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the DEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the DEIS. All comments must be filed on or before March 22, 1976. Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure. Petitioners must also file timely comments on the DEIS in accordance with Section 2.82(c) of Order No. 415–C.

All petitions to intervene must be filed on or before March 22, 1976.

Very truly yours,

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76–2450 Filed 1–27–76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of The Bank of Ladue, Ladue, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 11, 1976.

Board of Governors of the Federal Reserve System, January 21, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76–2458 Filed 1–27–76;8:45 am]

FLORIDA NATIONAL BANKS OF FLORIDA

Acquisition of Bank

Florida National Banks of Florida, Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50.3 percent or more of the voting shares of Citizens Bank of Bunnell, Bunnell, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 19, 1976.

Board of Governors of the Federal Reserve System, January 21, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76–2459 Filed 1–27–76;8:45 am]

NORTHWEST OHIO BANCSHARES, INC., TOLEDO, OHIO

Order Approving Acquisition of The Liberty State Savings Bank, Liberty Center, Ohio

Northwest Ohio Bancshares, Inc., Toledo, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100% less directors' qualifying shares, of The Liberty State Savings Bank, Liberty Center, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act (41 FR 14). The time for filing comments and views has expired, and the application and all comments received have been considered by the Reserve Bank in light of the factors set forth in Section 3(c) of the Act, (12 U.S.C. 1842(c)).

Applicant, the fourteenth largest banking organization in Ohio, controls two banks with consolidated deposits of $508 million representing 1.7 percent of the total commercial banking deposits in the State. Acquisition of Bank (with deposits of approximately $6 million) would increase Applicant's share of total State deposits only .02 percent and would not change Applicant's relative position in the State.[1]

Bank is the smallest of six banks located in the relevant banking market[2] and held approximately 9 percent of the market's total deposits. The closest offices of Bank and Applicant's subsidiary banks are 26 miles apart. There is no significant existing competition between Applicant's subsidiary banks and Bank, and there is little likelihood for any competition to develop given the County wide branching restriction of Ohio law. Acquisition of Bank by Applicant can be considered a foothold entry because Bank is the smallest banking organization in the market. *De novo* entry by Applicant into Henry County does not appear likely due to the low population and deposits per banking office in the county, as compared with State averages. Accordingly, it is concluded that consummation of the proposed transaction would have no adverse effects on existing or potential competition. Competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Applicant and Bank are regarded as satisfactory. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also regarded as being consistent with the approval of the application to acquire Bank. It is this Reserve Bank's judgment that the consummation of the proposal to acquire Bank would be in the public interest, and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition of Bank should not be made (a) before the thirtieth calendar day following the effective date of this Order; or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by this bank, pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority by the Board of Governors of the Federal Reserve System, effective January 16, 1976.

WILLIS J. WINN,
President.

[FR Doc.76–2460 Filed 1–27–76;8:45 am]

STATE STREET BOSTON FINANCIAL CORP.

Order Approving Acquisition of Bank

State Street Boston Financial Corporation, Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Falmouth Bank and Trust Company, Falmouth, Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Massachusetts, presently controls two subsidiary banks with aggregate deposits of $1.2 billion, representing approximately 8.7 percent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank would not result in a significant increase in the concentration of banking resources in Massachusetts, nor would it

[1] All banking data are as of June 30, 1975.
[2] The relevant banking market is approximated by Henry County.

[1] Banking data are as of June 30, 1975, unless otherwise indicated.

change Applicant's ranking among banking organizations in the State.

Bank (approximately $16.9 million in deposits) is the sixth largest of eight banking organizations operating in the Cape Cod banking market which is the relevant banking market for this proposal,[2] and controls approximately 7.1 percent of the total deposits in commercial banks in the market. By Order dated December 10, 1973, the Federal Reserve Bank of Boston approved Applicant's acquisition of Chatham Trust Company ("Chatham Bank"), Chatham, Massachusetts (deposits of approximately $7.8 million, as of December 31, 1974). Chatham Bank operates in the same banking market as Bank, and although the acquisition of Chatham Bank has not yet been consummated,[3] the Board has examined the instant proposal in light of the competitive factors which would exist if the acquisition of Chatham Bank had been consummated. Applicant, as a result of consummation of the instant proposal, would become the fifth largest banking organization in the Cape Cod banking market, controlling 11 per cent of the total deposits in commercial banks in the market.

Although Bank and Chatham Bank operate in the same banking market, they are located approximately 40 miles apart. In view of the relatively small size of the two banks, the distance involved, and the existence of numerous intervening bank offices, it does not appear that consummation of this acquisition would eliminate any significant existing competition; nor does it appear likely that, absent this proposal, significant competition would develop between these organizations in the future. In addition, *de novo* entry by Applicant in the Falmouth area is regarded as relatively unattractive due to the market's low ratio of population and deposits per commercial banking office. Accordingly, the Board concludes that competitive considerations are consistent with approval of this application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval. As part of its proposal, Applicant has committed to increase Bank's capital account by $300,000 upon consummation of the acquisition, and by an additional $150,000 by July 31, 1976, thereby increasing Bank's legal lending limit in addition to improving its capital position. Bank will also offer trust services and improved mortgage services as a result of its affiliation with Applicant. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as lending support to approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[4] effective[5] January 20, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-2461 Filed 1-27-76;8:45 am]

[2] The Cape Cod banking market is approximated by Barnstable County.

[3] The time within which Applicant must consummate the acquisition of Chatham Trust Company has been extended by the Federal Reserve Bank of Boston pursuant to delegated authority.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Jackson. Absent and not voting: Chairman Burns and Governors Wallich and Coldwell.

[5] Board action was taken while Governor Bucher was a Board Member and before Governor Partee became a Board Member.

FEDERAL TRADE COMMISSION

INDUSTRY GUIDE FOR THE FUNERAL INDUSTRY

Notice of Opportunity for Informal Meeting With the Commission

Pursuant to 16 C.F.R. Part 14.10, the Commission announces that at the request of the National Selected Morticians and the National Funeral Directors Association, it has determined to grant an opportunity for an informal, open meeting with the Commission on the limited question of whether the Commission should adopt an Industry Guide for the Funeral Industry. The meeting will be held on March 12, 1976, at 10:00 a.m. in room 432 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. Persons interested in availing themselves of this opportunity should contact the Secretary, Federal Trade Commission, Washington, D.C. 20580.

By direction of the Commission dated January 20, 1976.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-2434 Filed 1-27-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-134A and 135A]

PRIMARY LEAD METAL FROM AUSTRALIA AND CANADA

Notice of Investigation and Hearing

Having received on January 5, 1976, a letter from the Department of the Treasury with respect to primary lead metal from Australia and Canada which letter was published in the FEDERAL REGISTER of January 8, 1976 (41 FR 1502), the United States International Trade Commission instituted an investigation to determine whether, if the findings of dumping on such primary lead metal were revoked, an industry in the United States would likely be injured by reason of the importation of primary lead metal from Australia and Canada into the United States at less than fair value as specified in the aforementioned letter from the Department of the Treasury.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10 a.m., EST on February 24, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its offices in Washington, D.C., not later than noon February 19, 1976.

By order of the Commission.

Issued: January 23, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-2472 Filed 1-27-76;8:45 am]

[337-TA-22]

RECLOSABLE PLASTIC BAGS

Notice of Appointment of Presiding Officer

Notice is hereby given that on January 22, 1976, the United States International Trade Commission appointed Myron R. Renick as Presiding Officer in United States International Trade Commission Investigation No. 337-TA-22, Reclosable Plastic Bags.

By Order of the Commission.

Issued: January 22, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-2473 Filed 1-27-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PLUTONIUM SHIPPING PACKAGES

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.) the ACRS Working Group on Plutonium Shipping Packages will hold a meeting on February 12, 1976, in Room 1046, 1717 H St., N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Working Group will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to review draft working papers on proposed qualification test criteria on shipping containers to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. In connection with this matter, the Work-

ing Group may hold executive sessions not open to the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff and NRC Staff consultants to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than February 5, 1976, to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this session which will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption 5 of 5 U.S.C. 552(b)(5). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue intereference with Working Group and Agency operation.

Dated: January 27, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76-2682 Filed 1-27-76;9:44 am]

NUCLEAR ENERGY CENTER SITE SURVEY (NECSS)

Availability of NECSS-75 Report

In furtherance of the provisions of Section 207 of the Energy Reorganization Act of 1974 (P.L. 93-438), notice is hereby given that the Nuclear Energy Center Site Survey (NECSS) Report to Congress, prepared by the Nuclear Regulatory Commission's Office of Special Studies, is available for inspection in the Commission's Public Document Room at 1717 H St., N.W., Washington, D.C. 20555, and at the NRC's five Regional Offices. The Regional Offices' addresses are as follows: U.S. Nuclear Regulatory Commission, Office of Inspection & Enforcement, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406; U.S. Nuclear Regulatory Commission, Office of Inspection & Enforcement, Region II, 230 Peachtree Street, N.W., Suite 818, Atlanta, Georgia 30303; U.S. Nuclear Regulatory Commission, Office of Inspection & Enforcement, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137; U.S. Nuclear Regulatory Commission, Office of Inspection & Enforcement, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012; and U.S. Nuclear Regulatory Commission, Office of Inspection & Enforcement, Region V, Suite 202, 1990 N. California Boulevard, Walnut Creek, California 94596.

Section 207 of the Energy Reorganization Act of 1974 (the Act) directs the Nuclear Regulatory Commission to make a national survey to locate and identify possible nuclear energy center sites. The Act defines a nuclear energy center site as any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both, including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities, and uranium enrichment facilities. The Survey considers the use of federally owned property and other public lands for energy center sites.

In addition, the Act directs the Nuclear Regulatory Commission to evaluate the results of the Survey and provide any conclusions and recommendations which the Commission may have concerning the feasibility and the practicality of locating nuclear power reactors and/or other elements of the nuclear fuel cycle on nuclear energy center sites.

Three basic types of nuclear energy centers were evaluated in the Survey:

Power-plant centers—These centers would contain from 10 to 40 units of 1200-megawatt electric capacity each.

Fuel-cycle centers—These centers would accommodate facilities for fuel reprocessing, fuel fabrication, uranium enrichment, and radioactive waste management.

Combined centers—Both power plants and fuel-cycle facilities would be located on a single site.

Many people and organizations participated in the Survey, particularly through a series of workshops that provided essential insights from representatives of Federal, State, and local governments, industry and labor, and interested citizens and public interest groups. The Commission believes that the Survey report reflects fully and properly all of these contributions, and trusts it will provide the Congress and the Executive Branch with a firmer basis for future deliberations on energy facility siting.

The main conclusions of this staff study, which formed a basis for Commission recommendations, are as follows:

It can be feasible and practical, depending on location, to construct up to about 20 nuclear power reactors on a single site. However, the study does not indicate any great or unequivocal advantage or compelling need for such centers. A complex analysis involving many factors was used in concluding that, on a site-specific basis, there could be advantages of centers compared to dispersed siting. Whether or not these advantages can be realized, however, depends strongly on such factors as the organization and planning of the specific project, the size and duration of the project, the site requirements, future government policies and actions, and the perceptions of the local communities and the local governments involved.

It can be feasible and practical to locate nuclear fuel-cycle facilities—such as fuel fabrication and reprocessing plants—on nuclear energy center sites; and, though the need for fuel-cycle nuclear energy centers is not compelling, such centers might offer public benefits.

Many areas exist that offer potential for siting nuclear energy centers, based on general screening criteria involving water flow, seismicity, population distribution, and electric load center location. Siting flexibility is greatest for fuel-cycle facility nuclear energy centers, since they do not require massive amounts of water for cooling and their location does not depend on the location of electric load centers.

While some smaller power centers will evolve naturally, Federal and State participation probably would be required to further the development of a substantial number of nuclear energy centers.

While the study indicates that nuclear energy centers can be feasible and practical in many locations, dispersed siting of nuclear power facilities also remains a feasible, practical, and even desirable option for many locations.

The Commission agrees that technical and social considerations analyzed in the Survey support a nuclear power system that accommodates both dispersed sites and nuclear energy centers. In addition, there are major technical, social, environmental, and economic uncertainties concerning the development of nuclear energy centers. Therefore, the Commission recommends that nuclear energy centers neither be made mandatory nor be excluded. Rather, the Commission believes the national interest would be served best if appropriate Federal and State energy authorities take careful account of the natural and social characteristics of each potential site to locate the number and kind of facilities best suited to that location. Each potential site would require careful cost-benefit balancing of both general and site-specific considerations.

The Commission further recommends that the Congress consider the results of the Survey in the context of national energy policy goals and the current patterns of expansion of nuclear generation capacity. If the Congress decides to explore further the subject of possible active Federal encouragement of such centers, the Commission believes that, in light of NRC's regulatory responsibilities, such further activity would be more appropriately carried out by another agency, perhaps FEA or ERDA.

The Act directs NRC to publish and transmit to the Congress and the Council on Environmental Quality, a report on the results of the survey. The NECSS-75 report consists of an Executive Summary, five Parts, and an Appendix. These include: Part I, Summary and Conclusions; Part II, U.S. Electric Power Systems and the Potential Role of Nuclear Energy Centers; Part III, Technical Considerations; Part IV, Practical Issues of Implementation; Part V, Resource Availability and Site Screening; and Appendix A, United States Map—Coarse Screening Results.

A limited number of copies of the Executive Summary and the report are presently available and can be obtained by writing to the Nuclear Regulatory Commission, Office of Special Studies, Wash-

ington, D.C. 20555. When this limited supply is exhausted, copies may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 22nd of January 1976.

For the Nuclear Regulation Commission.

S. H. SMILEY,
Director,
Office of Special Studies.

[FR Doc.76-2683 Filed 1-27-76;9:44 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 22, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Reimbursement for State Equalization Plan, OE-469-1, single-time, SEA's, Lowry, R. L., 395-3772.

National Institute of Education:

Effects of Early Warning Signs: Parents, Principals, Agency Heads, NIE 151, single-time, persons receiving warning signs brochure, Raynsford, R., 395-3814.

Learning Environment Inventory—II, NIE 150, single-time, junior high school students, Raynsford, R., 395-3814.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Multiframe Hog and Cattle Survey, Quarterly, farm operators, Hulett, D. T., 395-4730.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-2542 Filed 1-27-76;8:45 am]

POSTAL SERVICE

INTERNATIONAL MAIL

New Provisions Adopted by the 1974 Congress of the Universal Postal Union

The purpose of this notice is to describe various new and changed provisions in the international mail regulations of the Postal Service implementing changes in international mail regulations adopted by the 1974 Congress of the Universal Postal Union. These new and changed provisions, which became effective January 1, 1976, are as follows:

1. *Sealing.* Mailers are now permitted to seal printed matter and small packets. Universal Postal Union regulations require a permit to indicate the customer has authority to seal printed matter mailed in bulk. Mailers who have a permit authorizing payment of postage by precanceled stamps, permit imprints, meter stamps, or second-class or controlled circulation indicia will be considered by the Postal Service as holding the necessary permit to seal printed matter.

No permit is required for sealing small packets. Both small packets and printed matter, whether sealed or unsealed, will continue to be subjected to inspection. Mailing sealed articles at postage rates for printed matter or small packets will be considered consent by the sender to inspection of the contents by postal and customs employees.

2. *Plastic wrap.* The use of closed, transparent plastic wrappings is now acceptable. An address label must be placed under or on the plastic film in the direction of the greatest dimension. If the address label is placed under the plastic, the plastic film must carry a white, opaque band so that postal endorsements can be appropriately applied. The opaque band is also required when the address label measures less than 3 by 4¼ inches and is placed on the outside.

3. *Return receipts.* All United States return receipts (Form 2865), including those which accompany outgoing surface mail, will be returned to sender by airmail.

The provision for requesting a return receipt after mailing is abolished. To determine if a piece of international mail was delivered, senders must file an inquiry in accordance with prescribed procedures. Such inquiries may be filed within a period of one year from the day following the date of mailing.

When a customer fails to receive a return receipt for which a fee was paid, a duplicate may be obtained by the sender filing an inquiry in accordance with prescribed procedures.

4. *Articles mailed abroad by or on behalf of senders in the United States.* If foreign postage is lower than comparable U.S. domestic postage, then U.S. postage must be paid on mailings of more than 200 pieces mailed within a 30-day period from other countries by or on behalf of persons or firms whose residence or place of business is in the United States. When more than 5,000 pieces are mailed, U.S. postage must be paid even if the foreign postage is not lower. In the past, the Postal Service was required to return material if the sender refused to pay domestic postage. Such material may now be disposed of in accordance with U.S. postal regulations.

5. *Radioactive and perishable items.* Perishable biological substances and radioactive materials must be sent as registered airmail letters.

All of the above new provisions will be included in a completely revised and recodified Postal Service Publication 42, International Mail, which has undergone a major change in its organization, format, and numbering system, and is expected to appear soon. After the appearance of this publication, these regulations, as codified, will be put in the FEDERAL REGISTER.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-2463 Filed 1-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CENTRAL POWER AND LIGHT CO. ET AL.

Notice of Proposed Acquisition of Royalty Interest in Coal and Oil Gasification Unit Sales and Proposed Reimbursement of Expenses Incurred by One Subsidiary in an Oil Gasification Project by Other Subsidiaries

JANUARY 22, 1976.

In the Matter of CENTRAL POWER AND LIGHT COMPTNY, P.O. Box 2121, Corpus Christi, Texas 78403, SOUTHWESTERN ELECTRIC POWER COMPANY, P.O. Box 1106, Shreveport, Louisiana 71156, PUBLIC SERVICE COMPANY OF OKLAHOMA, P.O. Box 201, Tulsa, Oklahoma 74102, and WEST TEXAS UTILITIES COMPANY, P.O. Box 841, Abilene, Texas 79604.

Notice is hereby given that Central Power and Light Company ("CP&L"), Southwestern Electric Power Company ("SWEPCO"), Public Service Company of Oklahoma ("PSO"), and West Texas utilities Company ("WTU"), electric utility subsidiary companies of Central and South West Corporation ("CSW"), a registered holding company, have filed a declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12 and 13 of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

CPL proposes to enter into a contract ("contract") with Foster Wheeler Energy Corporation ("FWE") for the development of a fuel gasification desulphurization unit ("facility") to supply gasified fuel from liquid and solid hydrocarbons

at Unit No. 4 of CPL's La Palma Power Station. The contract provides in part that CPL is obligated to pay FWE its "reimbursable costs," as defined in the contract, in the construction of the facility to a maximum amount of $1,900,510. CPL also is obligated under the contract to bear the cost of the erection of the facility and other items up to a maximum cost of $1,635,975. These costs figures are subject to certain specified escalation.

Under the contract FWE will supply, among other things, certain drawings, engineering work, equipment and fuel required for tests performed under the contract. CPL will supply, among other things, the site for the work, all labor and services required during the test program and all fuel required in excess of that fuel required for the test program. It is stated that the U.S. Environmental Protection Agency ("EPA") is committed to supply fuels and feedstocks for the test facility and to subsidize the engineering design for the test facility and a scale-up design to a commercial unit.

CSW System generating plants presently operate for the most part on natural gas. Declarants state that shortages of natural gas for boiler fuel are expected to be a growing problem and that it is planned that Declarants' future plants will use other sources of fuel. Declarants are searching for an economical method to adapt existing plants to use other available fuel supplies.

It is stated that work to date on oil/coal gasification projects has been on laboratory models of less than 1 MW capacity. It is also stated that FWE is preparing to scale up this process to a 15 MW size as an intermediate step in developing the process for units in the 250 MW and larger range. It is estimated that the facility for La Palma Unit No. 4 can be fabricated and installed in 18 months, followed by an 18 month period of testing. Assuming successful operation of the demonstration plant, it is stated that a 250 MW unit might be modified in an additional 18 months, resulting in a full-sized retrofitted unit in mid-1979.

If FWE designs and constructs a commercial facility after completion of the CPL facility, using any of the information developed under the contract or under FWE's contract with EPA, FWE will give any affiliate of CSW a 10% discount on engineering costs of facilities sold to such affiliates and will pay CPL a royalty on each facility sold to non-affiliates. The royalty will be $2,000 for the first 25,000,000 Btu/hour or less of design heating capacity and $60 for each additional 1,000,000 Btu/hour of design heating capacity. These discounts and royalties are to extend only until payments by CPL to FWE under the proposed contract are recovered.

It is proposed that PSO, SWEPCO and WTU participate in the payment of costs under the contract because commercially feasible facilities would also be useful for their respective generating facilities. It is proposed that the other declarants reimburse CPL for 50% of the costs of the facility, excluding costs associated with the extension of the test period for the facility beyond six months. Reimbursement will be in the proportion of 22.5% for PSO, 19% for SWEPCO and 8.5% for WTU. These proportions are based on the relative generating capabilities of the companies. If any royalties are received from FWE, as discussed previously, such royalties will be allocated in accordance with the reimbursement formula. Discounts under the agreement will be divided in the same manner, the company receiving the discount paying its associates their respective shares of the discount.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500, including legal fees of $500.

Notice is further given that any interested person may, not later than February 17, 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 declaration, as amended, 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 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 declaration, as amended, or as it may be further amended, may be 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.76-2430 Filed 1-27-76;8:45 am]

[File No. 20-2055A7, 20-2055A19]

TRI-STATE OIL & GAS, INC.

Temporary Suspension Order and Notice of Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Tri-State Oil & Gas, Inc.:

(File No. 20-2055A7) on January 23, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—P. H. Pace No. 1.

(File No. 20-2055A19) on April 17, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Libb Wallace No. 1.

Tri-State Oil & Gas, Inc. having filed the above offering sheets 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 sheets that:

1. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 310(b) by failing to deliver the offering sheet to the investor at or prior to the time of the initial offer.

2. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 310(d) by failing to deliver the offering sheet to the investor 48 hours before the sale was made.

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.76-2432 Filed 1-27-76;8:45 am]

[File No. 20-2055A27, 20-2055A29, 20-2055A30, 20-2055A31, 20-2055A32, 20-2055A33, 20-2055A34, 20-2055A35, 20-2055A36, 20-2055A37, 20-2055A38, 20-2055A39, 20-2055A40, 20-2055A41, 20-2055A42]

TRI-STATE OIL & GAS, INC.

Temporary Suspension Order and Notice of Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Tri-State Oil & Gas, Inc.:

(File No. 20-2055A27) on July 1, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—#1 Sirios Brothers.

(File No. 20-2055A29) on July 21, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—F. R. Wittig No. 1.

(File No. 20-2055A30) on July 24, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Bell Berman #3.

(File No. 20-2055A31) on July 24, 1975 and refiled October 29, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Bell Berman #4.

(File No. 20-2055A32) on July 30, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State #1 Wallace-Bassett.

(File No. 20-2055A33) on September 2, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—W. R. McGuire #3.

(File No. 20-2055A34) on September 2, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—P. H. Pace #5.

(File No. 20-2055A35) on September 19, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State Henderson #1.

(File No. 20-2055A36) on September 19, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State R. E. McMillian #2.

(File No. 20-2055A37) on September 19, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State Sirios Brothers #2.

(File No. 20-2055A38) on September 26, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State #1 Sirios-United Bank

(File No. 20-2055A39) on September 26, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State #1 Hunt Ranch.

(File No. 20-2055A40) on October 15, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State No. 1 Barrett.

(File No. 20-2055A41) on October 15, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State Lovercheck No. 1.

(File No. 20-2055A42) on October 20, 1975, covering non-producing working interests in the Tri-State Oil & Gas, Inc.—Tri-State No. 2 Wallace.

Tri-State Oil & Gas, Inc. having filed the above offering sheets 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

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) [17 CFR 230.306(a)(2)] because Petco Oil & Gas, Inc., an affiliate of Tri-State Oil & Gas, Inc. was restrained and enjoined preliminarily on October 16, 1975, by the District Court of the State of Oklahoma, in and for the County of Oklahoma, from offering or selling securities in the form of fractional undivided working interests in oil and gas leases, without complying with Sections 201 and 301 of the Oklahoma Securities Act.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B [17 CFR 230.330 (a) and (b)] by failing to disclose that on October 16, 1975, Petco Oil and Gas, Inc., an affiliate of Tri-State Oil & Gas, Inc., was restrained and enjoined preliminarily by the District Court of the State of Oklahoma in and for the County of Oklahoma from offering or selling securities within and from the State of Oklahoma, including securities in the form of fractional undivided working interests in oil and gas leases, without complying with Sections 201 and 301 of the Oklahoma Securities Act.

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.76-2431 Filed 1-27-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

The San Diego District Advisory Council will hold a public meeting at 10 a.m., Wednesday, February 18, 1976, 110 West C Street, Suite 705, San Diego, California, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending.

For further information, write or call Fred D. Sergent, 100 C Street, Suite 705, San Diego, California 92101, (8) 895-5430.

Dated: January 22, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-2448 Filed 1-27-76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Establishment of Committee

I. *Establishment of Advisory Committee.*—A. *Establishment.* The Secretary of Labor and the Secretary of Health, Education, and Welfare, after consultation with the Director, Office of Management and Budget, have jointly determined that it is in the public interest in connection with the performance of duties imposed on the Secretaries of Labor and Health, Education, and Welfare concerning plans and programs for administering the provisions of Executive Order 11246, as amended by Executive Order 11375, hereby establish the Federal Advisory Committee for Higher Education, Equal Employment Opportunity Programs, pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972).

B. *The Committee's objectives and the scope of its activity.* To provide advice and information to the Secretaries of Labor and Health, Education, and Welfare on matters as they arise in the administration of affirmative action requirements of the Executive Order 11246, as amended by Executive Order 11375, requiring affirmative action by institutions of higher education holding contracts in excess of $10,000.

C. *The period of time necessary for the Committee to carry out its purposes.* Beginning as soon as practical after January 28, 1976 and ending as soon as practical after January 28, 1978.

D. *The agencies to whom the Committee Reports.* The Secretaries of Labor and Health, Education and Welfare.

E. *The agency responsible for providing the necessary support for the Committee.* The U.S. Department of Labor.

F. *A description of the duties for which the Committee is responsible.* 1. to advise, consult with, and make recommendations to the Secretaries of Labor and Health, Education and Welfare on the administration of the affirmative action requirements of Executive Order 11246, as amended;

2. to provide advice on the effectiveness of the implementation of the affirmative action requirements, the applicability of such requirements to institutions of higher education;

3. to advise on problem areas, recommending necessary changes in the administration of regulations, as in the regulations themselves;

4. to provide a forum for an interchange of ideas between the various client groups on common or related issues;

5. to advise the Secretaries on the effectiveness in communicating with those concerned with affirmative action programs.

6. to advise the Secretaries on the possible impact of any proposed new approaches or change in policy.

G. *The estimated annual operating costs in dollars and man-year for the Committee.* $25,000 and one-half work year of staff support.

H. *The estimated number and frequency of Committee meetings.* The Committee will meet at least four times a year or at irregular intervals or at the call of the Secretary of Labor or the Secretary of Health, Education and Welfare, depending on such factors as level of activity, the needs of the Secretaries, the nature and volume of reports required by statute of the Committee, as well as additional reports that may be provided by the Committee for the consideration of the Secretaries.

I. *Membership.* The Committee shall consist of approximately 9–12 members from the higher education community, appointed by the Secretaries of Labor and Health, Education and Welfare, acting jointly. Members will serve at the discretion of the Secretaries. A Chairperson shall be appointed by the Secretaries.

J. *The Committee's termination date.* After issuing its final report to the Congress as soon as practical after January 28, 1978.

K. *Waiver of time between this publication and the filing of the charter.* The Office of Management and Budget has waived the 15 days notice between this publication and the filing of the charter of this Committee. Notice was given in the FEDERAL REGISTER, Vol. 41, No. 11, p. 2456, January 16, 1976, of the intention of the Departments of Labor and Health, Education and Welfare to initiate procedures under the Federal Advisory Act to establish this Committee.

Signed at Washington, D.C. this 26th day of January 1976.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.76-2670 Filed 1-27-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 961]

ASSIGNMENT OF HEARINGS

JANUARY 23, 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 126276 (Sub-No. 133), Fast Motor Service, Inc., now assigned February 3, 1976, at Chicago, Ill., will be held in Room 204-A Everett McKinley Dirksen Building, 219 S. Dearborn Street, instead of Room 1614.

MC 119767 (Sub-No. 328), Beaver Transport, Co., now assigned February 3, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of Room 204-A.

MC 141106, C. E. Riemer, d.b.a. Riemer's Marina, now assigned February 4, 1976, at Chicago, Ill., will be held in Room 204-A, Everett McKinley Dirksen Building, 219 S. Dearborn Street, instead of Room 1614.

MC 108531 Sub-18, Blue bird Coach Lines, Inc., now being assigned March 10, 1976 (3 days), at Pittsburgh, Pa. in a hearing room to be later designated.

MC 64932 (Sub-No. 551), Rogers Cartage Co., now assigned February 4, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirken Building, 219 S. Dearborn Street, instead of Room 204-A.

MC 107496 (Sub-No. 997), Ruan Transport Corporation, now assigned February 5, 1975, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 S. Dearborn Street, instead of Room 350, Federal Building, 230 S. Dearborn Street.

MC 114274 (Sub-No. 33), Vitalis Truck Lines, Inc., now asigned February 9, 1976, at Chicago, Ill., will be held in Room 1086-A Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 3855-A, Federal Building, 230 S. Dearborn St.

MC 113651 (Sub-No. 184), Indiana Refrigerated Lines, Inc., now assigned February 10, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of Room 3855-A, Federal Building, 230 S. Dearborn St.

MC-C-8834, Schwerman Trucking Company and Continental Oil Company—Investigation of Operations and Practices and Revocation of Certificates, now assigned February 12, 1976, at Chicago, Ill., will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of Room 3855-A, Federal Building, 230 S. Dearborn St.

MC-F 12361, Fayard Moving and Transportation Corporation—Purchase—Singing River Motor Freight, MC 65088 Sub-3 and MC 65088 Sub-4, Fayard Moving and Transportation Corporation, now being assigned March 10, 1976 (3 days), at Jackson, Mississippi, in a hearing room to be later designated.

MC 11207 Sub-356, Deaton, Inc., now being assigned March 15, 1976 (1 week), at New Orleans, Louisiana, in a hearing room to be later designated.

MC 29886 (Sub-No. 317), Dallas & Mavis Forwarding Co., Inc., now assigned February 4, 1976, at Chicago, Il., is canceled and transferred to Modified Procedure.

MC 105457 Sub-84, Thurston Motor Lines, Inc., now being assigned April 20, 1976 (9 days), at Birmingham, Ala., in a hearing room to be later designated.

MC 139741 Sub-2, D & D Disposal Services Limited, now being assigned March 15, 1976 (1 week), at Buffalo, N.Y., in a hearing room to be later designated.

MC 123407 Sub-245, Sawyer Transport, Inc., now assigned February 3, 1976, at Chicago, Ill., will be held in Room 244-A, 219 S. Dearborn Street, instead of in Room 672, 536 S. Clark Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2479 Filed 1-27-76;8:45 am]

[Notice No. 962]

ASSIGNMENT OF HEARINGS; CORRECTION

JANUARY 23, 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.

Correction

AB 1 (Sub-No. 27), Chicago and North Western Transportation Company Abandonment Between Sommers and Carroll, In Calhoun and Carroll Counties, Iowa, now assigned February 9, 1976, at Carroll, Iowa will be held at the City Council Chamber, City Hall.

This notice corrects Docket No. which was shown incorrect in Notice No. 960.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2480 Filed 1-27-76;8:45 am]

[Ex Parte No. MC-82 (Sub-No. 1)]

INTERCITY BUS INDUSTRY

Procedures in Motor Carrier Revenue Proceedings

JANUARY 23, 1976.

Notice to all interested persons: The due date for the filing of initial comments in this proceeding has been extended to February 25, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2481 Filed 1-27-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 99]

BURLINGTON NORTHERN, INC., ET AL.

Mandatory Car Service Orders

To all U.S. railroads: *It appearing,* That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points removte from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or seccessive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., reporting marks: BN-CBQ-GN-NP-SPS.

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, reporting marks: CNJ.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, reporting marks: MILW.

The Denver and Rio Grande Western Railroad Company, reporting marks: DRGW.

Florida East Coast Railway Company, reporting marks: FEC.

Grand Trunk Western Railroad Company, reporting marks: GTW.

The Kansas City Southern Railway Company, reporting marks: KCS.

Louisiana & Arkansas Railway Company, reporting marks: LA.

Maine Central Railroad Company, reporting marks: MEC.

Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees, reporting marks: PC-PRR-NYC.

Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, trustees, reporting marks: RDG.

Richmond, Fredericksburg and Potomac Railroad Company, reporting marks: RFP.

[1]

Effective January 14, 1976.

Expires February 29, 1976.

Issued at Washington, D.C., January 13, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-2482 Filed 1-27-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 23, 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 February 12, 1976.

[1] Union Pacific eliminated.

FSA No. 43117—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc. (No. 5), for itself and interested rail carriers. Rates on general commodities, from ports in Europe, the United Kingdom and the Mediterranean, to rail carrier's terminals in California, Oregon and Washington.

Grounds for relief—Water competition.

Tariffs—American Export Lines, Inc., tariffs I.C.C. Nos. 2 and 3. Rates are published to become effective on February 23, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2483 Filed 1-27-76;8:45 am]

[Notice No. 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 23, 1976.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 921 (Deviation No. 4), DEAN TRUCK LINE, INC., P.O. Drawer 631, Fulton Drive, Corinth, Miss. 38834, filed January 14, 1976. Carrier's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Montgomery, Ala., over U.S. Highway 82 to Northport, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Montomery, Ala., over U.S. High-

way 80 to Demopolis, Ala., thence over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 82 to Northport, Ala., and return over the same route.

No. MC 111383 (Deviation No. 41), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed December 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 51 and U.S. Highway 82, near Winona, Miss., over U.S. Highway 82 to Tuscaloosa, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 82 and U.S. Highway 51 near Winona, Miss., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Tuscaloosa, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-2484 Filed 1-27-76;8:45 am]

[Notice No. 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 23, 1976.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 C.F.R. 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 27, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 702), (Cancels Deviation No. 580), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed January 7, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follow: (1) From Winton-Salem, N.C., over Interstate Highway 40 to junction Interstate Highway 77 near Statesville, N.C., thence over Interstate Highway 77 to junction U.S. Highway 21 near Cornelius, N.C., with the following access routes: (a) From Mocksville, N.C., over U.S. Highway 158 to junction Interstate Highway 40, (b) From Mocksville, N.C., over U.S. Highway 64 to junction Interstate Highway 40, (c) From Statesville, N.C., over Broad Street to junction Interstate Highway 77, (d) From Statesville, N.C., over U.S. Highway 70 to junction Interstate Highway 77, (e) From Mooresville, N.C., over North Carolina Highway 115 to junction Interstate Highway 77, (f) From Mooresville, N.C., over North Carolina Highway 150 to junction Interstate Highway 77, (g) From Mount Mourne, N.C., over access road to junction Interstate Highway 77, and (h) From Davidson, N.C., over access road to junction Interstate Highway 77, and (2) From junction Interstate Highway 77 and U.S. Highway 21 near Cornelius, N.C., over Interstate Highway 77 to the North Carolina-South Carolina State Line, with the following access routes: (a) From junction U.S. Highway 21 and Reams Road over Reams Road to junction Interstate Highway 77, (b) From junction U.S. Highway 21 and Sunset Road over Sunset Road to junction Interstate Highway 77, and (c) From Charlotte, N.C., over city streets to junction Interstate Highway 77, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Winston-Salem, N.C., over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to junction U.S. Highway 21 in Statesville, N.C., thence over U.S. Highway 21 to junction unnumbered highway, thence over unnumbered highway via Mooresville and Davidson, N.C., to junction U.S. Highway 21, thence over U.S. Highway 21 via Charlotte, N.C., to the North Carolina-South Carolina State Line and return over the same route.

No. MC 1515 (Deviation No. 703), (Cancels Deviation No. 198), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed January 15, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Binghamton, N.Y., over Interstate Highway 81 to Scranton, Pa., with the following access routes: (a) From junction Interstate Highway 81 and Pennsylvania Highway 107 over Pennsylvania Highway 107 to junction U.S. Highway 11 (at Factoryville, Pa.), and (b) From South Abington (Township), Pa., (Interchange No. 38 of Northeastern Extension of Pennsylvania Turnpike) over access roads to Interstate Highway 81, and (2) From Scranton, Pa., over Interstate Highway 81 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Pennsylvania Highway 307, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Binghamton, N.Y., over U.S. Highway 11 to Scranton, Pa., thence over Pennsylvania Highway 307 to junction Interstate Highway 380, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-2486 Filed 1-27-76;8:45 am]

[Notice No. 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 23, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212 (b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. 1100.250.

Protests to the granting of the requested authority must be filed with the Commission by February 27, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance

with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 88594 (Notice of filing of petition to modify territorial description) filed December 22, 1975. Petitioner: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit (Delaware County), N.Y. 13754. Petitioner's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Petitioner holds a motor *common carrier* Certificate in No. MC 88594, issued October 29, 1951, authorizing transportation as pertinent, over irregular routes, of (1) *Milk* (except in hermetically sealed containers) and *milk products* (except in hermetically sealed containers), (a) from Fort Plain, N.Y., and points in New York within 150 miles of Fort Plain, to New York, N.Y., Providence, R.I., and all points in Connecticut, Massachusetts, and New Jersey; and (b) from New Paltz, Margaretville, Rockdale, Roxbury, Olivers, Andes, Remsen, and Mount Upton, N.Y., and points in New York within 50 miles of Mount Upton, to points in New York within 50 miles of the City Hall in New York, N.Y., beyond the city limits thereof; and (2) *empty containers* used in the transportation of the above-described commodities, from the above-specified destination points to the respective origin points specified above, restricted against the transportation of ice cream mix from Canton, Cohocton, Canisteo, Skaneateles, and Canastota, N.Y., to any of the destination points described above, or ice cream mix, in tank trucks, from any of the origin points described above to any point in Connecticut.

By the instant petition, petitioner seeks to eliminate part (a) and (b) in the above territorial description and to modify so as to read, *Milk* (except in hermetically sealed containers) and *milk products* (except in hermetically sealed containers), from points in New York, except points in Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming Counties, to New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, N.Y., and points in Connecticut, Massachusetts, New Jersey and Rhode Island. The rest of the certificate remains the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125399 (Notice of filing of petition to modify territorial description) filed December 22, 1975. Petitioner: CARR'S DELUXE COACHES LIMITED, Owen Sound, Ontario, Canada. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds a motor *common carrier* Certificate in No. MC 125399, issued December 5, 1969, authorizing transportation, over irregular routes, of *Passengers and their baggage* in the same vehicle, in round-trip charter operations, from ports of entry on the International Boundary line, between the United States and Canada, to points in the United States (except Alaska and Hawaii), and return.

By the instant petition, petitioner seeks to modify the territorial description in the above authority so as to read, from ports of entry on the United States-Canada Boundary line, to points in the United States (including Alaska but excluding Hawaii), and return. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139201 (Sub-No. 1), (Notice of filing of petition for removal of restriction) filed December 15, 1975. Petitioner: MERCHANTS DELIVERY, INCORPORATED, 515 Third Street, Alton, Ill. 62002. Petitioner's representative: Paul F. Fricker (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 139201 (Sub-No. 1), issued May 21, 1975, authorizing transportation, over irregular routes of *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, business records, audit and accounting media, cash letters, radiopharmaceuticals, film, and prints), between St. Louis and points in St. Louis County, Mo., on the one hand, and, on the other, points in Bond, Clinton, Fayette, Greene, Jefferson, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery, Perry, Randolph, St. Clair, and Washington Counties, Ill., restricted (1) to the transportation of parcels not exceeding 100 pounds each, in peddle delivery service, and (2) against service from the facilities of Stix, Baer & Fuller Co., at St. Louis and points in St. Louis Counties, Mo.

By the instant petition, petitioner seeks to remove Part (1) of the restriction in the above authority. Any interested person or persons desiring to participate, may file an original and six copies of his written representations, views or arguments, in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 140252 (Sub-No. 1), (Notice of filing of petition to add origin points), filed January 5, 1976. Petitioner: M. K. M. ASSOCIATED TRUCKING CORP., 117 Dutch Rd., East Brunswick, N.J. 08816. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* permit in No. MC 140252 (Sub-No. 1), issued January 8, 1976, authorizing transportation, over irregular routes, of *Scrap metals* (except in dump vehicles), from the plant sites of National Can Corp., at or near Edison and Piscataway, N.J., Long Island City and Maspeth, N.Y., and Hamburg, Pa., to Sparrows Point, Md., and Wilmington, Del., under a continuing contract, or contracts, with National Can Corp., of Piscataway, N.J.

By the instant petition, petitioner seeks to include Fogelsville and Morrisville, Pa., as origin points in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Applications under sections 5 and 210a (b).

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1990 (Sub-No. 2), filed December 19, 1975. Applicant: BOSTON & WOONSOCKET EXPRESS CO., INC., 1117 River Street, Woonsocket, R.I. 02895. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Massachusetts as offroute points in conjunction with applicant's regular routes between points in Massachusetts and Rhode Island.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12723 published in the FEDERAL REGISTER issue of January 14, 1976. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Providence, R.I.

No. MC 42011 (Sub-No. 20), filed December 15, 1975. Applicant: D. Q. WISE & CO., INC. (Barbara Ann Brewer, Independent Executrix), P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, equipment, and supplies*, used in, or in connection with, the discovery, develop-

ment, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies,* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in main lines, (a) between points in Colorado and points in Lea and Eddy Counties, N. Mex. on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 30 miles of Sayre, Okla., including Sayre, and those in Cimarron, Beaver, and Texas Counties, Okla.

(b) between points in Colorado and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Texas within 100 miles of Pampa, Tex., including Pampa. (c) between points in Colorado and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Texas within 100 miles of Pampa, Tex., including Pampa, those in Oklahoma within 30 miles of Sayre, Okla., including Sayre, and those in Cimarron, Beaver, and Texas Counties, Okla. (d) between points in Colorado and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 30 miles of Sayre, Okla., including Sayre, and those in Cimarron, Beaver, and Texas Counties, Okla. (2) *heavy machinery and parts thereof,* (a) From Chicago, Ill., Milwaukee, Wis., and Indianapolis and Evansville, Ind., to points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., those in Texas within 100 miles of Pampa, Tex., including Pampa, those in Lea and Eddy Counties, N. Mex., and those in Colorado.

(b) Between points in Arkansas and Kansas, those in that part of Missouri on and south of U.S. Highway 54, and those in that part of Texas on and north of U.S. Highway 80, on the one hand, and, on the other, points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., those in Texas within 100 miles of Pampa, Tex., including Pampa, those in Lea and Eddy Counties, N. Mex., and those in Colorado. The purpose of this filing is to eliminate the gateway of points in Oklahoma within 30 miles of Sayre, Okla., including Sayre, and those in Cimarron, Beaver, and Texas Counties, Okla. (3) *Such brick, tile and clay pipe* as because of size or weight require the use of special equipment, between points in Oklahoma, Arkansas, Kansas, those in that part of Missouri on and south of U.S. Highway 54, and those in that part of Texas on and north of U.S. Highway 80, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., and those in Colorado.

The purpose of this filing is to eliminate the gateway of points in Texas within 100 miles of Pampa, Tex., including Pampa, those in Oklahoma within 30 miles of Sayre, Okla., including Sayre, and those in Cimarron, Beaver, and Texas Counties, Okla. (4) *such building material* as because of size or weight requires the use of special equipment, between Malvern and Parla, Ark., and points in that part of Arkansas west and north of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 59 (formerly portion U.S. Highway 71) to junction Arkansas Highway 72 (formerly portion U.S. Highway 71), thence along Arkansas Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Arkansas-Oklahome State line, and those in that part of Kansas east and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to Wichita, Kans., thence along U.S. Highway 54 to the Kansas-Missouri State line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., those in Texas within 100 miles of Pampa, Tex., including Pampa, those in Lea and Eddy Counties, N. Mex., and those in Oklahoma and Colorado. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12630 published in the FEDERAL REGISTER issue of September 17, 1975. If a hearing is deemed necessary, applicant does not state a location.

No. MC 61592 (Sub-No. 383), filed January 6, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Route 3, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Mechanical broadcasters* (spreaders) and *tractor attachments,* other than hand (except commodities which because of size or weight, require the use of special equipment), from Logansport, Ind., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska and Kansas. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (2) *wooden cabinets, cabinet parts* and *accessories and counter tops,* crated, from Louisville, Ky. and Jeffersonville, Ind., to points in North Dakota, South Dakota, Iowa, Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Huntsville, Ala. (3) (a) tractors (except truck tractors) and (b) *attachments* for and *equipment* designed for use with and when moving in mixed loads with the articles described in (a) above, from Eau Claire, Wis., to points in the United States (except points in Illinois, Indiana, Ohio, Kentucky, Michigan, West Virginia and Wisconsin). The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

(4) *tractors, mowers, tractor cultivators, agricultural implements* and *attachments* and *snow removal equipment,* from Louisville, Ky., to points in the United States (except points in Vermont, New York, Connecticut, Pennsylvania, Maryland, Delaware, Virginia, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Colorado, Kansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Oklahoma and Tennessee). The purpose of this filing is to eliminate the gateway of Port Washington, Wis. (5) *wooden pallets, boxes,* and *component parts of boxes,* from Rocky Mount, N.C., to points in the United States (except points in Illinois, Indiana, Michigan and Ohio). The purpose of this filing is to eliminate the gateway of Cass County, Ind.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12737 published in the FEDERAL REGISTER issue of January 21, 1976. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–F–12739. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, OH., 45223, of a portion of the operating rights of RED STAR EXPRESS LINES OF AUBURN, INC., dba RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y., 13021, and for acquisition by DAVID M. GANTZ, JOSEPH M. GANTZ, S. DAVID SHOR and JOHN E. SHORE, all of the Cincinnati, OH., 45223 address, of control of such rights through the purchase. Applicants' attorneys: Milton H. Bortz, 3636 Follett Avenue, Cincinnati, OH., 45223 and Leonard A. Jaskiewicz, 1730 M. Street, NW., Washington, D.C. 20036. Operating rights sought to be transferred: General Commodities as a common carrier over regular routes (1) between Albany and Utica, N.Y., from Albany over New York Highway 5 (and also New York Highway 5s), to Utica; and (2) between Albany and Schenectady, N.Y.: from Albany over New York Highway 32 to junction New York Highway 7, thence over New York Highway 7 to Schenectady, serving in connection with (1) and (2) above, all intermediate points and the off route points of Gloversville, Johnstown, Rensselaer and Troy, N.Y. In MC–F–12591, RED STAR LINES OF AUBURN, INC. d.b.a. RED STAR EXPRESS LINES, seeks to acquire the operating rights of COLEMAN BROS. TRANSPORTATION LINES, INC. As part of the instant transaction, WILSON FREIGHT COMPANY will acquire, if authorized, the authority RED STAR EXPRESS LINES seeks to acquired in MC–F–12591, RED STAR EXPRESS LINES—CONTROL and

MERGE—COLEMAN BROTHERS TRANSPORTATION, LINES INC. The authority of RED STAR EXPRESS LINES (MC 59135 Sub-No. 29) and the authority being sought in MC–F–12591, are pending matters before the Commission. Vendee is authorized to operate as a *common* carrier in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Wisconsin, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12740. Authority sought for merger by TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., 1935 Sable Lane, P.O. Box 17005, San Antonio, TX., 78217, of the operating rights of SHAMROCK VAN LINES, INC., of the San Antonio, TX., 78217 address also and for acquistion by TOWNE INVESTMENTS, INC., and ROY McNAIR, P.O. Box 17097, San Antonio, TX., 78217, of control of such rights through the transaction. Applicant's attorney: Herbert Burstein, One World Trade Center, New York, N.Y., 10048. Operating rights sought to be merged: *Household goods,* as a *common carrier* over irregular routes, between certain specified points in Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma, between Wichita Falls, Tex., on the one hand, and, on the other, points in Oklahoma, between points in Oklahoma and certain specified points in Tex., between points in those parts of North Carolina, South Carolina, and Virginia within 450 miles of Charlotte, N.C., *Household goods* and *emigrant movables,* between certain specified points in Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, between points in Saline County, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, between points in Montana, Idaho, Oregon, Washington, California, and Nevada, between points in Montana on and west of U.S. Highway 89, on the one hand, and, on the other, points in Wyoming, Colorado, Utah, Arizona, and North Dakota, between points in Oklahoma, on the one hand, and, on the other points in Arkansas.

Used household goods and *used office fixtures* between points in Arkansas, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, North Carolina, and South Carolina, *Household goods,* between points in Texas, on the one hand, and, on the other, points in Arkansas, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New York, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, Between points in Arkansas, Louisiana, Oklahoma, and Texas. *Household goods* as defined by the Commission, as a *broker,* between points in Montana, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., is authorized to operate as a common carrier in all the States in the United States, including the District of Columbia (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to supplemental order dated September 24, 1974, transferee acquired control of transferor.

No. 12741. Authority sought for purchase by PENGUIN TRUCKING CO., INC., 2045 E. Vernon Ave., Los Angeles, CA, 90058, of a portion of the operating rights of (B) ALCO TRANSPORTATION CO. and (BB) ALCO FAST FREIGHT, INC., both of 1603 Chapin Road, Montebello, CA., 90640, and for acquisition by CECIL ALSIP and JOHN B. MILLER, both of 2045 E. Vernon Ave., Los Angeles, CA., 90058, of control of such rights through the purchase. Applicants' attorney: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA., 90212. Operating rights sought to be transferred: (B) all authority to transport commodities requiring refrigeration contained in Certificate of Registration No. MC–98886 (Sub-No. 2) as a *common carrier* in intrastate commerce, solely within the State of California; with restrictions. (BB) all authority to transport commodities requiring refrigeration contained in Certificate of Registration No. MC-120936 (Sub-No. 1) as a common carrier in intrastate commerce, solely within the State of California, with restrictions. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12742. Authority sought for control and merger by CRAW CARTING, INC., 160 Dispatch Road (P.O. Box 267), E. Rochester, N.Y., 14445, of the operating rights and property of STARR MOTOR EXPRESS, INC., R.D. #2, Red Creek, N.Y., 13143, and for acquisition by ANTHONY GULLACE, 118 Church Street, Victor, N.Y., 14564, of control of such rights and properties through the transaction. Applicants' attorneys: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y., 13202 and Raymond S. Sant, South Street, Cato, N.Y., 13033. Operating rights sought to be controlled and merged: *General commodities,* with exceptions as a *common carrier* over regular routes from South Hannibal, N.Y., and Meridian, N.Y., between Syracuse, N.Y., and South Hannibal, N.Y., serving the intermediate and off-route points of Plainville, Meridian, Cato, Victory, Red Creek, Crocketts, Hannibal, Fair Haven, Sterling, Hannibal Center, Fair Haven Beach State Park, North Victory, Martville, Wolcott, and Westbury, N.Y. CRAW CARTING, INC., is authorized to operate as a *common carrier* in the State of New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12745. Authority sought for purchase by P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, New Jersey 08610, of the operating rights of FRANK'S TRANSPORTATION, INC., 233 Bridge Street, North Weymouth, MA., 02191, and for acquisition by PHILIP LIEDTKA, of the Trenton, N.J., 08610 address, of control of such rights through the purchase. Applicants' attorney: George C. O'Brien, 15 Court Square, Boston, MA., 02108. Operating rights sought to be transferred: Under a certificate of registration in MC–120685 (Sub-No. 1), transportation of *general commodities* as a *common carrier* over irregular routes solely within the Commonwealth of Massachusetts. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, the District of Columbia, Massachusetts, Connecticut, Delaware, Virginia and Maryland. Application has been filed for temporary authority under section 210a (b). MC–127974 (Sub-No. 6) is a directly related matter.

No. MC–F–12746. Authority sought for purchase by BULKMATIC TRANSPORT COMPANY, 12000 South Doty Ave., Chicago, IL 60628, of a portion of the operating rights and property of KELLER TRANSFER LINE, INC., 5635 Clay Ave., S.W., Grand Rapids, MI 49508, and for acquisition by A. D. PRINGLE III, 20615 Greenwood, Olympia Fields, IL 60461, and A. Y. BINGHAM, JR., 427 W. Walnut, Hinsdale, IL 60521, of control of such rights and property through the purchase. Applicants' attorney: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Operating rights sought to be transferred: *Flour in bulk,* as a *common carrier* over irregular routes, from Chicago, Ill., to Muskegon, Mich., from Hillsdale, Mich., to Chicago, Ill., from Ft. Wayne, Ind., to points in Mich., from Hillsdale, Mich., to Canton, Ohio, from Quincy and Lowell, Mich., to Chicago, Ill., from Quincy, Mich., to Cleveland, Ohio, from Hillsdale, Mich., and Lowell, Mich., to Richmond, Ind. Vendee is authorized to operate as a *common carrier* in Indiana,, Ohio, Wisconsin, Illinois, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12747. Authority sought for purchase by BOWLING GREEN EXPRESS, INC., P.O. Box 1111, Bowling Green, KY 42101, of the operating rights and property of WAYNE TRUCK LINE, INC., P.O. Box 315, Carthage, TN 37030, and for acquisition by A. M. MANNING,

P.O. Box 685, Glasgow, KY 42141, and ROBERT M. PEARCE, 903 Meadowlark, Bowling Green, KY 42101, of control of such rights and property through the purchase. Applicants' attorneys: Walter Harwood, P.O. Box 15214, Nashville, TN 37215, and Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Operating rights sought to transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Wayne County, Ky., on the one hand, and, on the other, Cincinnati, Ohio; *feed*, from Cincinnati, Ohio, to Science Hill, Somerset, Burnside, and Stearns, Ky.; *seed, fertilizer*, and *grain*, from Cincinnati, Ohio, to Science Hill, and Somerset, Ky.; *lumber*, from Science Hill, and Somerset, Ky., to Cincinnati, Ohio, from Monticello, Ky., to Cleveland, Ohio, Detroit, Mich., and Indianapolis, Sullivan, and New Albany, Ind., from Monticello, Ky., and points within five miles thereof, Ky., and points within five miles thereof, to points in Illinois, Indiana, Michigan, and Ohio; General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, over regular routes, (1) between Louisville and Monticello, Ky., serving no intermediate points, but serving the junctions of Interstate Highway 75 with U.S. Highway 25W; U.S. Highway 27 with Kentucky Highway 92; and Kentucky Highway 80 with Interstate Highway 75, for purposes of joinder only; and service at Louisville, Ky., and points in its commercial zone as defined by the Commission, with restriction, (2) between junction Interstate Highway 75 and U.S. Highway 25W and junction U.S. Highway 27 and Kentucky Highway 92, north of Stearns, Ky., serving no intermediate points, (3) between junction Kentucky Highway 80 and Interstate Highway 75 and Monticello, Ky., serving no intermediate points, but serving Russell Springs, Ky., for purposes of interchange only. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Tennessee, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12748. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of the operating rights and property of NESTOR BROS., INC. (Stanley R. Rudin, Assignee for the Benefit of Creditors), 825 University Bldg., Syracuse, NY 13202, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Bldg., 601 California St., San Francisco, CA 94108, of control of such rights and property through the purchase. Applicants' attorneys: R. C. Stetson, 175 Linfield Dr., Menlo Park, CA 94025, Eugene T. Liipfert, 1660 L. St., N.W., Washington, DC 20036, Stanley R. Rudin, 825 University Bldg., Syracuse, NY 13202, and Norman Pinsky, 345 S. Warren St., Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, serving various off-route points; between Scranton, Pa., and Netcong, N.J., serving the intermediate points of Buttzville and Hackettstown, N.J., and those between Hackettstown and Netcong, with restriction, between Binghamton, N.Y., and New York, N.Y., serving all intermediate points and the off-route points of Kingston, N.Y., and those in Dickinson and Fenton Townships, Broome County, N.Y., between Buttzville, N.J., and New York, N.Y., serving all intermediate points, between Netcong, N.J., and New York, N.Y., serving all intermediate points, between Hackettstown, N.J., and New York, N.Y., serving all intermediate points, between Ithaca and Binghamton, N.Y., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Dutchess, Putnam, Rockland, and Orange Counties, N.Y., between points in Dutchess County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Union, Somerset, and Middlesex Counties, N.J. Vendee is authorized to operate as a *common carrier* in all of the States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2487 Filed 1-27-76;8:45 am]

[Notice No. 172]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 28, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commissions' Special Rules of Practice any interested person may file a petiiton seeking reconsideration of the following numbered proceedings on or before February 12, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76105. By order of January 23, 1976, the Motor Carrier Board approved the transfer to William F. Maroadi, D/B/A Maroadi Transfer & Storage, McKeesport, Pa., of Certificate No. MC-60604 issued February 7, 1969, to Shanahan Transfer & Storage Company, Pittsburg, Pa., authorizing the transportation of household goods, between points as specified in Pennsylvania, Illinois, Maryland, Indiana, Michigan, New Jersey, New York, Ohio, Virginia, and the District of Columbia. Thomas R. Kingsley, Todd, Dillon & Sullivan, Suite 1030, 1819 H St., N.W., Washington, D.C. 20006, attorney for Applicants.

No. MC-FC-76183. By order of January 23, 1976, the Motor Carrier Board approved the transfer to Capitol City Transfer, Inc., Topeka, Kansas, of a portion of the operating rights of Certificate No. MC-8803 issued September 29, 1975, to Topeka Transfer and Storage, Inc., Topeka, Kansas, authorizing the transportation of general commodities, subject to certain normal restrictions, from Topeka, Kans., to points in Kansas and Nebraska, within 100 miles of Topeka, including Topeka. Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kansas, 66603, attorney for transferee and transferor.

No. MC-MC-76232. By order entered January 23, 1976, the Motor Carrier Board approved the transfer to Gunn Transfer, Inc., St. Louis, Mo., of the operating rights set forth in Certificate No. MC-69853, issued April 8, 1960, to Joseph L. Ward, doing business as Gunn Transfer Company, St. Louis, Mo., authorizing the transportation of general commodities, with the usual exceptions, and certain specified commodities, between points in specified areas in Missouri and Illinois. Austin C. Knetzger, 722 Chestnut St., St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-76244. By order entered January 23, 1976, the Motor Carrier Board approved the transfer to Mullecker Trucking Co., Inc., Carteret, N.J., of the operating rights set forth in Certificate No. MC-44825, issued November 3, 1955, to John F. Mullecker, Jr., doing business as Mullecker's Express, Elizabeth, N.J., authorizing the transportation of household goods, between specified points in New York and New Jersey; and general commodities, with the usual exceptions, between specified points in New Jersey and New York. Bernard F. Flynn, Jr., 425 E. Blackwell St., Dover, N.J. 07801, attorney for applicants.

No. MC-FC-76247. By order of January 23, 1976, the Motor Carrier Board approved the transfer to Andrew D. Russo and Robert Russo, A Partnership, doing business as Saggese Moving and Storage Co., Red Bank, New Jersey, of Certificate No. MC-59503 issued February 7, 1956, to Mary Russo and Andrew Russo, A Partnership, doing business as Saggese Trucking, Red Bank, New Jersey, authorizing the transportation of household goods, between Red Bank, N.J., and points within ten miles of Red Bank, on

the one hand, and, on the other, New York, N.Y. Zager, Fuchs, Leckstein and Kauff, 248 Broad Street, Red Bank, New Jersey, 07701, attorneys for transferee and transferor.

No. MC–FC–76267. By order entered January 23, 1976, the Motor Carrier Board approved the transfer to Carey Cummings Equities, Inc., Glen Head, N.Y., of the operating rights set forth in Certificate No. MC–102917, issued April 17, 1973, to National Horse Transfer, Inc., Glen Head, N.Y., authorizing the transportation of flowers and plants, horses (other than ordinary livestock) and equipment and paraphernalia incidental to the transportation, care, and display of such horses, and the personal effects of their attendants, trainers, and exhibitors, from, to, and between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for transferee and Robert W. Marcus, 1501 Franklin Ave., Mineola, N.Y. 11501, attorney for transferor.

No. MC–FC–76302. By order of January 23, 1976, the Motor Carrier Board approved the transfer to Skyline Transport, Inc., Milford, Conn., of Certificates No. MC–133150 and MC–133150 Sub-No. 1, issued October 21, 1970, and May 18, 1972, respectively to James A. Innaco, Milford, Conn., authorizing the transportation of general commodities between specified points in Connecticut and New York. William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Connecticut 06460, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–2485 Filed 1–27–76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 23, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducin ghighway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by February 9, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 4405 (Sub-No. E19) (Correction), filed July 13, 1974, and published in FEDERAL REGISTER July 9, 1975, republished on October 8, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which, because of size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, (a) between E. St. Louis, Ill., on the one hand, and, on the other, points in Oklahoma and Kansas; (b) between points in Michigan, on the one hand, and, on the other, points in Oklahoma; and (c) between points in Michigan, on the one hand, and, on the other, points in Kansas, except between points in Geogebic, Ontonagan, Houghton, Keewenaw, Iron and Baraga Counties, Mich., on the one hand, and, on the other, points in Morton and Stevens Counties, Kans., and points north of Miami, Franklin, Coffey, Greenwood, Butler, Sedgwick, Kingman, Pratt, Kiowa, Clark, Meade and Seward Counties, Kans. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., and East St. Louis, Ill.

No. MC 4405 (Sub-No. E68), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *truck and trailer bodies*, from Toledo, Ohio, to points in the United States in and west of Minnesota, South Dakota, Nebraska, Missouri, Arkansas, and Louisiana, except the St. Louis, Mo., and Omaha, Nebr., commercial zones; and (2) *motor vehicle bodies*, from Toledo, Ohio, to points in Wisconsin, Iowa, St. Louis, Mo., and Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Gary, and Michigan City, Ind., for part (1) and Chicago, Ill., for part (2).

No. MC 4405 (Sub-No. E69), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Colorado on and east of U.S. Highway 87, on the one hand, and, on the other, points in Arizona on and south of a line beginning a the New Mexico-Arizona State line and extending along U.S. Highway 70 to junction U.S. Highway 60 to the Arizona-California State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E70), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th Street, Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Nevada, on the one hand, and, on the other, points in Arkansas, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateways of points in Texas and New Mexico.

No. MC 4405 (Sub-No. E71), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Arizona, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateways of points in Nevada and California.

No. MC 4405 (Sub-No. E72), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Kansas, Missouri, Oklahoma, and East St. Louis, Ill., on the one hand, and, on the other, points in New Mexico, restricted against the transportation of traffic except between those points in Cimarron County, Okla., on and west of U.S. Highway 385 and on and north of U.S. Highway 56 on the one hand, and, on the other, that portion of Union County, N. Mex., on and north of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 4405 (Sub-No. E73), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in the Lower Peninsula of Michigan and E. St. Louis, Ill., on the one hand, and, on the other, points in Missouri, restricted against the transportation of traffic between points in Michigan south and west of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction U.S. Highway 31 to the Indiana-Michigan State line, on the one hand and, on the other, points in Missouri north of the northern boundaries of Pike, Audrain, Randolph, Chariton, Livingston, Daviess, De Kalb, Andrew, and Holt Counties. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 4405 (Sub-No. E74), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery tools parts and supplies moving in connection therewith, between points in Michigan and East St. Louis, Ill., on the one hand, and, on the other, points in Oklahoma and Kansas, restricted against the transportation of traffic between points in Georgebic, Ontonagon, Houghton, Keewenaw, Iron and Baraga Counties, Mich., on the one hand, and, on the other, those points in Kansas, north of the northern boundaries of Miami, Franklin, Coffey, Greenwood, Butler, Sedgwick, Kingman, Pratt, Kiowa, Clark, Meade and Seward Counties and the Counties of Morton and Stevens. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 4405 (Sub-No. E75), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines, restricted to the transportation of commodities, which because of their size or weight, require the use of special equipment or handling, (a) between points in Louisiana south of the southern boundaries of Caddo, Bossier, Webster, Claiborne, Lincoln, Ouachita, Morehouse, West Carroll and East Carroll parishes and west of the eastern boundaries of Vermillion, LaFayette, St. Landry, Avoyelles, Concordia, Tensas, Madison and East Carroll parishes, on the one hand, and, on the other, points in Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, South Carolina, Tennessee and those points in Georgia, Alabama and Mississippi on and north of a line beginning at Savannah, Georgia, extending along U.S. Highway 80 to Montgomery, Ala., thence along U.S. Highway 31 to Birmingham, Ala., and U.S. Highway 82 to the Mississippi-Arkansas State line; (b) between points in Caddo, Bossier, Claiborne, Lincoln, Ouachita, Morehouse, East Carroll and West Carroll Parishes, La., on the one hand, and, on the other, points in Michigan, Ohio, Indiana, Kentucky, Tennessee, South Carolina, North Carolina, Alabama, Georgia, Virginia, West Virginia and Mississippi; (c) between those points in Louisiana in and east of Iberia, St. Martin, Pointe Coupee and West Feliciana Parishes, on the one hand, and, on the other, points in Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, those points in Tennessee in and west of Hardeman, Chester, Henderson, Decatur, Perry, Hickman, Williamson, Davidson, Wilson, Smith, Jackson, Overton, Fentress and Scott Counties, and those points in Mississippi in and west of Washington, Sunflower, Tallahatchee, Panola, Marshall and Benton Counties. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 4405 (Sub-No. E76), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: R. O. Homberger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, (A) between points in California, south of the northern boundaries of Lassen, Shasta, Trinity and Humboldt Counties, on the one hand, and, on the other, points in Nebraska south of the northern boundaries of Washington, Saunders, Butler, Polk, Merrick, Hall and Buffalo Counties, and east of the western boundaries of Buffalo, Phelps and Harlan Counties, except between points in Shasta, Lassen, Plumas, Tehama, Glenn and Butte Counties, Calif., on the one hand, and, on the other, points in Nebraska west of the eastern boundaries of Butler, Polk, Fillmore, York and Thayer Counties; (B) between points in California in and south of San Francisco, Contra Costa, San Joaquin, Stanislaus, Merced, Madera and Inyo Counties, on the one hand, and, on the other, points in Nebraska south of the northern boundaries of Grant, Hooker, Thomas, Blaine, Loup, Garfield, Wheeler, Boone, Madison, Stanton, Cuming and Burt Counties, north of the southern boundaries of Burt, Dodge, Colfax, Platte, Nance, Hubbard, Sherman, Custer, and west of the eastern boundaries of Dawson, Gosper and Furnas Counties, except between points in San Francisco, San Mateo, Contra Costa, San Joaquin and Stanislaus Counties, Calif., on the one hand, and, on the other, points in Nebraska west of the eastern boundaries of Thomas, Logan, and Lincoln and north of the southern boundaries of Lincoln and Perkins Counties; (C) between points in Ventura, Santa Barbara, Los Angeles, Riverside, Orange, San Diego and Imperial Counties, Calif., on the one hand, and, on the other, points in Nebraska, west of the eastern boundaries of Sheridan, Garden and Deuel Counties, except between points in Ventura, Santa Barbara, Los Angeles, Orange, and Riverside Counties, Cailfornia, on the one hand, and, on the other, points in Sioux and Dawes Counties, Nebr. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, New Mexico, and Nevada or points in California south of a line beginning at the Pacific Ocean and extending east through Monterey, Salinas, Fresno, Dunlap and Independence to the California-Nevada State line.

No. MC 8973 (Sub-No. E35), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. 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: *Plastic articles, hardware*, and *building materials, equipment and supplies* (except commodities in bulk), from points in New Hampshire, to points in Bergen County, N.J., south and west of a line beginning at the Passaic River extending along the Bergen-Passaic County line to junction Glen Rock-Fairlawn Municipal line, to Saddle River Creek, to the Saddle River, to the Hasbrouck Heights-Woodbridge Municipal line, to the Moonachie-Carlstadt Municipal line, to the Hackensack River, to the Bergen-Hudson County line. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E37), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. 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: *Plastic Articles, hardware,* and *building materials, equipment and supplies* (except commodities in bulk), from points in Vermont, to those points in Bergen County, N.J., south of a line beginning at the Hackensack River and extending along the Rutherford-East Rutherford Municipal line, thence to the Rutherfor -Wallington Municipal line, thence to the Passaic River. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E38), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. 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: *Plastic articles, hardware,* and *building materials and supplies* (except commodities in bulk), from points in Rhode Island, to those points in Bergen County, N.J., south of the Lyndhurst-North Arlington Municipal line. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 14781 (Sub-No. E1), (Correction), filed May 14, 1974, and published in FEDERAL REGISTER issue of June 19, 1974, and republished, in part, as corrected this issue. Applicant: GOTTRY CORP., 999 Blahan Rd., Rochester, N.Y. 14624. Applicant's representative: Paul F. Sullivan, Suite 711 Washington Bldg., 15th & New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which because of size or weight requires the use of special equipment (except aircraft, missiles and parts thereof and except pipe, pipeline materials, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof); and (2) *Self-propelled articles,* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (except pipe, pipeline material, equipment, and supplies which are incidental to and used in connection with the construction, operation, maintenance, servicing, and dismantling of pipelines and the stringing and picking up thereof), restricted to those commodities which are transported on trailers, . . . (c) between points in Ohio (except roadbuilding and earthmoving equipment), west of a line beginning at the southern shore of Lake Erie near Willoughby, thence along Ohio Highway 91 to its intersection with Interstate Highway 271, thence along Interstate Highway 271 to its intersection with Interstate Highway 71, thence along Interstate Highway 71 to its intersection with U.S. Highway 62, thence over U.S. Highway 62 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in Connecticut (except points in Fairfield and New Haven Counties). The purpose of this filing is to eliminate the gateway of Rochester or Monroe County, N.Y. The purpose of this partial republication is to indicate that Connecticut is the correct terminal area sought to be served.

No. MC 29886 (Sub-No. E44) (Correction), filed May 31, 1974, and published in FEDERAL REGISTER April 3, 1975. Applicant: DALLAS A & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery,* which because of size or weight, require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks,* and *self-propelled building, construction, and moving machinery,* (1) from points in Indiana to points in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota (except points in Lincoln, Clay and Union Counties), Nevada, those in Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 2 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-South Dakota State line, those in Utah (except Grand, Emery, Wayne, San Juan, Garfield, and Kane Counties), those in California (except San Bernardino, Riverside, San Diego, and Imperial Counties), and those in Wyoming (except Goshen, Platte, Albany, and Laramie Counties, and . . . the purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and Benton Harbor, Mich. The purpose of this correction is to include South Dakota as destination in (1) above. The remainder of the letter-notice remains as previously published.

No. MC 29886 (Sub-No. E62) (Correction), filed May 16, 1974, and published in FEDERAL REGISTER October 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Contractors'* equipment, the transportation of which because of size or weight require the use of special equipment, . . . (3) *Contractors'* between points in Illinois, on the one hand, and, on the other, points in Michigan, except those points in the upper peninsula west of Interstate Highway 75; (5) *Contractors' equipment* between those points in Wisconsin in Crawford, Grant, Iowa, LaFayette, Dane, Green, Rock, Jefferson, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties, on the one hand, and, on the other, points in Michigan (except those in Emmet, Cheboygan, Presque Isle, and Charlevoix Counties, Mich.); (6) *Contractors'* equipment between points in Wisconsin, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron; . . . The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to eliminate the restrictions in parts 3, 5, and 6. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E1) (Correction), filed May 15, 1974, and published in the FEDERAL REGISTER issue of October 21, 1975, and partially republished as corrected this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel* articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except commodities requiring special equipment): (e) from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, to points in Indiana on, north and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31 through

Kokomo, to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial republication is to indicate the correct Highway boundaries in Illinois, in the above proposal.

No. MC 52657 (Sub-No. E46) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck bodies*, between points in that part of California south of a line beginning at the Nevada-California State line near Benton Station extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction Interstate Highway 205 near Mantica, thence along Interstate Highway 205 to junction Interstate Highway 580 at Mountain House, thence along Interstate Highway 580 to junction California Highway 92 at Castro Valley, thence along California Highway 92 to the Pacific Ocean near Half Moon Bay, on the one hand, and, on the other, (1) points in Alabama (except that part west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 78 to junction U.S. Highway 31 at Birmingham, thence along U.S. Highway 31 to junction U.S. Highway 231 at Montgomery, thence along U.S. Highway 231 to the Alabama-Florida State line near Dothan), Connecticut, Delaware, Florida (except that part west of a line beginning at the Florida-Alabama State line near Malone extending along Florida Highway 71 to the Gulf of Mexico near Port St. Joe), Georgia, . . . Vermont, Virginia, West Virginia, Wisconsin (except that part west of a line beginning at Lake Superior near Bayfield extending along Wisconsin Highway 13 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Wisconsin Highway 27 at Brule, thence along Wisconsin Highway 27 to junction U.S. Highway 63 near Hayward, thence along U.S. Highway 63 to the Mississippi River near Ellsworth), and the District of Columbia, restricted against the transportation of fuel tanks to points in Missouri and Tennessee; (2) points in Illinois (except that part west and north of a line beginning at the Illinois-Wisconsin State line near Fox Lake extending along U.S. Highway 12 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51 near Normal, thence along U.S. Highway 51 to junction Interstate Highway 70 at Vandalia, thence along Interstate Highway 70 to junction Interstate Highway 270, thence along Interstate Highway 270 to the Mississippi River near Granite City), Indiana.

(B) Truck bodies, from Paris, Ill., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, (except that part south and west of a line beginning at the Michigan-Ohio State line and U.S. Highway 127 near Munson, Mich., thence along U.S. Highway 127 to junction Interstate Highway 96 south of Lansing, Mich., and thence along Interstate Highway 96 to Lake Michigan near Muskegon Heights, Mich.), Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation of fuel tanks to points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Tennessee and Texas; (C) Truck and trailer bodies, from Hazelwood, Mo., to points in California, Colorado (except that part south of a line beginning at the Colorado-Nebraska State line and Interstate Highway 80S extending along Interstate Highway 80S to junction Interstate Highway 25 north of Denver, Colo., thence along Interstate Highway 25 to junction Interstate Highway 70 north of Denver, Colo., and thence west along Interstate Highway 70 to the Utah-Colorado State line near Loma, Colo., but including all of Adams County, Colo.), Idaho, Minnesota, Montana, Nebraska (except that part south of a line beginning at the Nebraska-Iowa State line south of Omaha, extending along Interstate Highway 80 to the Colorado-Nebraska State line near Big Springs, Nebr.), Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming;

(D) Truck and trailer bodies and parts, between Hazelwood, Mo., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia; (E) Truck and trailer bodies, from West Plains, Mo. to points in California (except that part south of a line beginning at the California-Nevada State line and U.S. Highway 6 near Benton Station, Calif., extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68, thence along California Highway 68 to the Pacific Ocean near Monterey, Calif.), Idaho, Minnesota, Montana, Nevada (except that part south of a line beginning at the Nevada-Utah State line and Nevada Highway 25 near Panaca, Nev., extending along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line near Basalt, Nev.), North Dakota, Oregon, South Dakota, the Utah Counties of Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, and Weber Counties, Washington, and Wyoming (except that part east of a line beginning at the Wyoming-South Dakota State line and U.S. Highway 16, near Newcastle, Wyo., extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 91, thence along Wyoming Highway 91 to junction Wyoming Highway 487, thence along Wyoming Highway 487 to junction U.S. Highway 30–287, thence along U.S. Highway 30–287 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line near Riverside);

(F) Truck and trailer bodies and parts, between West Plains, Mo., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina (except that part west of a line beginning at the North Carolina-Virginia State line and U.S. Highway 501 near Roxboro, N.C., extending along U.S. Highway 501 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 74–76, thence along U.S. Highway 74–76 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean near Carolina Beach, N.C.), Pennsylvania, Rhode Island, Vermont, Virginia (except that part west of a line beginning at the Virginia-West Virginia State line and U.S. Highway 52 near Rocky Gap, Va., extending along U.S. Highway 52 to the North Carolina-Virginia State line near Fancy Gap, Va.), and the District of Columbia; (G) Cargo and shipping containers, from Hazleton, Pa., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia; (H) Cargo and shipping containers (except such of these commodities which because of size or weight require the use of special equipment), from Hazleton, Pa., to points in Maryland; (I) Cargo containers, between Vineland, N.J. on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted against the transportation of fuel tanks to points in New Mexico; and (J) Refuse containers (except those having a capacity of five gallons or less, or those having a capacity

of nine cubic feet or less), from Vineland, N.J. to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted against the transportation of fuel tanks to points in New Mexico. The purpose of this filing is to eliminate the gateways of Mattoon, Coles County, Ill., in (A)(1), (B) and (J); Charleston, Coles County, Ill. and St. Claire, Mo. in (A)(2); Cedar Rapids, Iowa in (C) and (E); Coles County, Ill., in (D), (F), and (I); Lansdale, Pa., in (G); and Lansdale, Pa., in (H). The purpose of this partial correction is to reflect corrections in the "from-to" authorities as being "between" authorities. The remainder of the letter-notice remains as previously published.

No. MC 52704 (Sub-No. E5) (Correction), filed May 20, 1974, and published in FEDERAL REGISTER April 16, 1975. Applicant: GLENN MCCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers for beverages and food*, . . . (5) from points in North Carolina (except points on and east of a line beginning at Morehead City, N.C., and extending along U.S. Highway 70 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line), to points in Delaware, that part of Maryland east of U.S. Highway 522, New Jersey, New York and Pennsylvania (except points on and west of U.S. Highway 219 and on and south of U.S. Highway 30 from the West Virginia-Pennsylvania State line to its junction with U.S. Highway 15); . . . The purpose of this filing is to eliminate the gateway of Henderson, N.C. The purpose of this correction is to correct typographical errors. The remainder of this letter-notice is to remain as previously published.

No. MC 93980 (Sub-No. E1) (Correction), filed April 22, 1974, and published in FEDERAL REGISTER June 10, 1974. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cement conduits, cement couplings, and cement pipe, all containing asbestos fibre*, and accessories used in the installation thereof, on flat-bed vehicles (not including commodities which because of size or weight require the use of special equipment), from Manville, N.J., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee; (b) *Cement conduit containing asbestos fibre*, from Manville, N.J., to points in Kentucky, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Ambler, Pa. The purpose of this correction is to republish the above letter-notice.

No. MC 93980 (Sub-No. E7) (Correction), filed May 22, 1974, and published in FEDERAL REGISTER April 3, 1975. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (1) from points in North Carolina within 100 miles of Henderson, N.C., that are on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to Trenton, N.C., to points in Ohio and (2) from Columbia, N.C., and points within 25 miles thereof to points in the states of Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia and Wisconsin. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va. The purpose of this correction is to reflect the States involved.

No. MC 107107 (Sub-No. E40), filed April 30, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from those points in Texas on and south of U.S. Highway 62 and on, west and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 69 to junction Texas Highway 63, to the Texas-Louisiana State line, to points in Maine (Chatham County, Ga.)*, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, those in New York on and south of New York Highway 7, those in Pennsylvania east of the Susquehanna River; those in North Carolina on and east of U.S. Highway 29, those in South Carolina on and east of U.S. Highway 29, those in Virginia on and east of U.S. Highway 29, and the District of Columbia (Florida and Sylvester, Ga.)*; (2) from those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 180, to the Texas-New Mexico State line, to points in Vermont (Florida and Sylvester, Ga.)*; (3) from those points in Texas east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 69 to junction Texas Highway 63, to the Texas-Louisiana State line, to points in Connecticut, Delaware, Maine, Rhode Island, Massachusetts, New Jersey, those in New York on and south of New York Highway 7, those in Pennsylvania on and east of U.S. Highway 222, those in Maryland and Virginia on and east of U.S. Highway 1, those in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 29, to the North Carolina-Virginia State line, those in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 321 to junction U.S. Highway 21, to the North Carolina-South Carolina State line (Florida and Sylvester, Ga.)*;

(4) from those points in Texas north of U.S. Highway 62, to the District of Columbia, and those points in Wicomico County, Md., those in Virginia on and east of U.S. Highway 29, those in South Carolina on and east of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 321 to junction U.S. Highway 21, to the South Carolina-North Carolina State line, those in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 29, to the North Carolina-Virginia State line (Florida and Sylvester, Ga.)*; (5) from Amarillo, Tex., to Boston, Mass., and Providence, R.I. (Florida and Sylvester, Ga.)*; and (6) from points in Texas to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 80 to junction Interstate Highway 65, to junction U.S. Highway 84, to the Alabama-Mississippi State line, and those in Georgia on and south of U.S. Highway 280 (Florida)*, and Chatham County, Ga. (Jacksonville, Fla.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks.

No. MC 107162 (Sub-No. E2), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except flooring, plywood, and paneling): (1) from points in that part of Iowa in and east of Howard, Floyd, Franklin, Hardin, Story, Polk, Warren, Clark, and Decatur Counties, Iowa, west of U.S. Highway 65, and north of U.S. Highway 20; to points in that part of Minnesota on and north of a line commencing at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction U.S. Highway 52, to junction U.S. Highway 10, To junction Minnesota Highway 371, to junction U.S. Highway 2, to junction Minnesota Highway 89, to its intersection with the south boundary of Beltrami County, thence north on the western boundary of Beltrami County to the western boundary of Lake of the Woods County, thence north on the western boundary of Lake of the Woods county to its intersection with Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 313, thence along Minnesota Highway 313 to the United States-Canada Inter-

national Boundary line; (2) from points in Missouri (except Wright City, points in Lewis and Clark Counties, and points on and east of U.S. Highway 67); to points in that part of Minnesota on and north of a line commencing at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 10, thence along U.S. Highway 10 to Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to its intersection with the south boundary of Beltrami County, thence north on the western boundary of Beltrami County to the western boundary of Lake of the Woods County, thence north on the western boundary of Lake of the Woods County to its intersection with Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 313, thence along Minnesota Highway 313 to the United States-Canada International Boundary Line;

(3) from points in that part of Missouri on and east of a line commencing at the Missouri-Kansas border, thence along Interstate Highway 35 to its intersection with Missouri Highway 121, to junction U.S. Highway 69 to the Missouri-Iowa border, and west of U.S. Highway 67 (except Wright City and points in Lewis and Clark Counties); to points in that part of Minnesota bounded by a line commencing at Minneapolis-St. Paul, thence along U.S. Highway 52, to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to Beltrami County, thence west and north along the boundary of Beltrami County to the western boundary of Lake of the County, thence north along the western boundary of Lake of the County, thence north along the west boundary of Lake of the Woods County to Minnesota Highway 313, thence along Minnesota Highway 313 to the United States-Canada International Boundary line, to the Minnesota-Wisconsin State line, to junction Interstate Highway 94, to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Wisconsin (except Marshfield, Two Rivers, and Neenah).

No. MC 107162 (Sub-No. E4), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in that part of Minnesota on and north of a line commencing at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Highway 89, thence along Minnesota Highway 89 to its intersection with the south boundary of Beltrami County, thence north on the western boundary of Beltrami County to the western boundary of Lake of the Woods County, thence north on the western boundary of Lake of the Woods County to its intersection with Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 313, thence along Minnesota Highway 313 to the United States-Canada International Boundary line and points in that part of Iowa in and east of Howard, Floyd, Franklin, Hardin, Story, Polk, and Warren, Clark, and Decatur Counties, Iowa; (2) from points in that part of Minnesota bounded by a line commencing at Minneapolis-St. Paul, thence along U.S. Highway 52, to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to Beltrami County, thence west and north along the boundary of Beltrami County to the western boundary of Lake of the Woods County, thence north along the western boundary of Lake of the Woods County to junction Minnesota Highway 313, thence along Minnesota Highway 313 to the United States-Canada International Boundary line, to the Minnesota-North Dakota State line, to junction Interstate Highway 94, to the point of beginning; to points in that part of Missouri, thence along Interstate Highway 35 to its intersection with Missouri Highway 121, to junction U.S. Highway 69 to the Missouri-Iowa State line. Restriction: The authority granted immediately above is restricted against transportation of shipments originating at points in Canada. The purpose of this filing is to eliminate the gateway of points in Wisconsin (except Marshfield, Neenah, and Two Rivers).

No. MC 107162 (Sub-No. E9), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Minnesota, to points in Illinois (except the points within Hancock, Quincy, and Pike Counties, Ill.), Indiana, Kentucky, Michigan, Ohio, and Tennessee; (2) from points in Minnesota (except from points in Nobles, Jackson, Cottonwood, Watonwan, Martin, Faribault, and Freeborn Counties, Minn.); to points in Pike County, Ill., and points in that part of Adams County, Ill., on and south of U.S. Highway 24; (3) from points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 14 to junction U.S. Highway 52 to the Minnesota-Iowa State line, to points in Hancock County, Ill., and points in that part of Adams County, Ill., on and south of U.S. Highway 24. Restriction: The authority granted immediately above is restricted against transportation of shipments originating at points in Canada. The purpose of this filing is to eliminate the gateway of points in Wisconsin (except Marshfield, Neenah, and Two Rivers).

No. MC 107162 (Sub-No. E10), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 58701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in that part of Wisconsin on or north of Wisconsin Highway 64 to points in Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; New Jersey; Delaware; Maryland; Virginia; North Carolina; South Carolina; Georgia; Florida; to points in that part of Alabama on and south of the line commencing at the Alabama-Georgia border, thence along Interstate Highway 59 to its intersection with Alabama Highway 5, to its intersection with U.S. Highway 43, and to the Gulf of Mexico; to points in that part of Pennsylvania on and east of a line commencing at the Pennsylvania-Maryland border, thence along U.S. Highway 11 to its intersection with U.S. Highway 15, to its intersection with Pennsylvania Highway 14, to the Pennsylvania-New York border; to points in that part of New York on and east of the line commencing at the Pennsylvania-New York border, thence along New York Highway 14 to its intersection with New York Highway 13, to its intersection with Interstate Highway 81, to its intersection with New York Highway 57, to Lake Ontario;

(2) From points in that part of Wisconsin on and north of the line commencing on Lake Michigan, thence along Wisconsin Highway 64 to its intersection with Wisconsin Highway 47, to its intersection with U.S. Highway 8, to its intersection with Wisconsin Highway 13, to Lake Superior; to points in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, to points in that part of Alabama west of the line commencing at the Alabama-Georgia border, thence along Interstate Highway 59 to its intersection with Alabama Highway 5, to its intersection with U.S. Highway 43, to the Gulf of Mexico; to points in that part of West Virginia on and east of U.S. Highway 19; to points in that part of Pennsylvania on and east of a line commencing at the Pennsylvania-Maryland border, thence along U.S. Highway 11 to its intersection with U.S. Highway 15, to its intersection with Pennsylvania Highway 14 to the Pennsylvania-New York border; and to points in that part of New York on and east of the line commencing at the Pennsylvania-New York border, thence along New York Highway 14 to its intersection with

New York Highway 13, to its intersection with Interstate Highway 81, to its intersection with New York Highway 57 to Lake Ontario; (3) from points in that part of Wisconsin on, east, and north of a line commencing at the Wisconsin-Michigan border, thence along Wisconsin Highway 64 to its intersection with U.S. Highway 45, to its intersection with U.S. Highway 8, to its intersection with Wisconsin Highway 13, to Lake Superior; to points in that part of West Virginia west of West Virginia Highway 19; (4) from points in that part of Wisconsin north and west of a line beginning at the Minnesota-Wisconsin State line thence along U.S. Highway 8, to junction Wisconsin Highway 13 to Lake Superior, to points in that part of West Virginia on and east of West Virginia Highway 19; to points in Pennsylvania on and east of a line commencing at the Pennsylvania-Maryland State line thence along U.S. Highway 11 to its intersection with U.S. Highway 15, to its intersection with Pennsylvania Highway 14, to the Pennsylvania-New York State line and to points in that part of New York on and east of the line commencing at the Pennsylvania-New York border, thence along New York Highway 14 to its intersection with New York Highway 13, to its intersection with Interstate Highway 81 to its intersection with New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., at or near Ishpeming, Mich.

No. MC 107162 (Sub-No. E11), filed June 1, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Connecticut; Delaware; Florida; Georgia; Maine; Maryland; Massachusetts; Mississippi; New Hampshire; New Jersey; New York; North Carolina; Rhode Island; South Carolina; Vermont; Virginia and the District of Columbia; to points in that part of Wisconsin on and north of Wisconsin Highway 64; (2) from points in Texas; Oklahoma; Louisiana; Arkansas; Mississippi; points in that part of Alabama west of a line commencing at the Alabama-Georgia border, thence along Interstate Highway 59 to its intersection with Alabama Highway 5 to its intersection with U.S. Highway 43, to the Gulf of Mexico; points in that part of West Virginia on and east of U.S. Highway 19; points in that part of Pennsylvania on and east of a line commencing at the Pennsylvania-Maryland State line, thence along U.S. Highway 11 to its intersection with U.S. Highway 15 to its intersection with Pennsylvania Highway 14 to the Pennsylvania-New York State line; and points in that part of New York on and east of a line commencing at the Pennsylvania-New York State line, thence along New York Highway 14 to its intersection with New York Highway 13, to its intersection with Interstate Highway 81 to its intersection with New York Highway 57 to Lake Ontario; to points in that part of Wisconsin on and north of the line commencing at Lake Michigan thence along Wisconsin Highway 64 to its intersection with Wisconsin Highway 47 to its intersection with Wisconsin Highway 13 to Lake Superior;

(3) From points in that part of West Virginia west of West Virginia Highway 19; to points in Wisconsin on, east, and north of a line commencing at the Wisconsin-Michigan border, thence along Wisconsin Highway 64 to its intersection with U.S. Highway 45, to its intersection with U.S. Highway 8 to its intersection with Wisconsin Highway 13 to Lake Superior; (4) from points in that part of West Virginia on and east of West Virginia Highway 19; from points in that part of Pennsylvania on and east of a line commencing at the Pennsylvania-Maryland border, thence along on U.S. Highway 11 to its intersection with U.S. Highway 15, to its intersection with Pennsylvania Highway 14 to the Pennsylvania-New York border; and from points in that part of New York on and east of the line commencing at the Pennsylvania-New York border, thence along New York Highway 14 to its intersection with New York Highway 14 to its intersection with New York Highway 13 to its intersection with Interstate Highway 81 to its intersection with New York Highway 57, to Lake Ontario; to points in that part of Wisconsin north and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 8 to junction Wisconsin Highway 13 to Lake Superior. The purpose of this filing is to eliminate the gateway of the facilities of Robbins Flooring Co., at or near Ishpeming, Mich.

No. MC 107496 (Sub-No. E25) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER July 12, 1974, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the terminal of Kaneb Pipeline Company at or near Milford, Iowa. The purpose of this correction is to indicate the correct commodities sought in the above proposal.

No. MC 107515 (Sub-No. E221) (Correction), filed May 29, 1974, and published in the FEDERAL REGISTER March 10, 1975, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packinghouse Products*, 48 M.C.C. 628: (1) between points in Louisiana and Mississippi, on the one hand, and, on the other, points in North Carolina and South Carolina; and (2) between points in Alabama, on the one hand, and, on the other, points in South Carolina, and points in North Carolina on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of points in the Atlanta, Ga., commercial zone, or Montezuma, Ga.

No. MC 111496 (Sub-No. E6), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Mahnomen County, Minn., on the one hand, and, on the other, points in that part of North Dakota on and north of North Dakota Highway 5 and west of Cavalier County, N. Dak. (Fargo, N. Dak., and points in Walsh County, N. Dak.*); and (2) between points in that part of North Dakota on, north and east of a line beginning at the Minnesota-North Dakota State line extending along North Dakota Highway 5 to junction North Dakota Highway 18, thence along North Dakota 18 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Becker, Clay, Otter Tail, and Wilkin Counties, Minn. (except Moorehead, Sundal, Bear Park, Rindal, Waukon, and Flom, Minn., and points on Minnesota Highway 32 in Clay County, Minn.) (Fargo and Grand Forks, N. Dak.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111496 (Sub-No. E7), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Norman County, Minn., on the one hand, and, on the other, points in that part of Williams, Divide, Burke, Mountrail, Ward, Tolette and Cavalier Counties, N. Dak., on and bounded by a line beginning at the North Dakota-Montana State line extending along U.S. Highway 2 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction North

Dakota Highway 5, thence along North Dakota Highway 5 to the North Dakota-Montana State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak., and points in Cass County, N. Dak.

No. MC 111496 (Sub-No. E10), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) from points in Mahnomen County, Minn., to points in that part of Williams, Divide, Burke, Mountail, Renville, Ward, Rolette and Cavalier Counties, N. Dak., on and bounded by a line beginning at the Montana-North Dakota State line extending along U.S. Highway 2 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to the Montana-North Dakota State line to the point of beginning, (2) from points in Ottertail County, Minn., to points in that part of North Dakota bounded by a line beginning at the North Dakota-Montana State line extending along North Dakota Highway 5 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak., and points in Cass County, N. Dak.

No. MC 113855 (Sub-No. E47), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm tractors* (except those with vehicle beds, bed frames and fifth wheels), and *parts* when moving in mixed loads therewith, (2) *agricultural augers*, (3) *front end loaders and lift trucks*, restricted to farm machinery, and *parts*, (A) from points in Barnes, Cass, Griggs, Steele, Traill, Grand Forks, Nelson, Walsh and Pembina Counties, N. Dak., to points in Montana, Oregon, Washington and Idaho; (B) from points in Cavalier, Ramsey, Nelson and Griggs Counties, N. Dak., to points in Oregon, Washington and Idaho; (C) from points in South Dakota on and east of U.S. Highway 281 and on and south of U.S. Highway 14, to those points in Oregon and Washington on and west of Interstate Highway 5; (D) from points in Union, Clay, Lincoln, Turner, McCook and Minnehaha Counties, S. Dak., to points in Laurier, Washington and Eastport, Idaho; (E) from points in Iowa on and south of Iowa Highway 64, and on and east of U.S. Highway 218, to points in North Dakota on and north of Interstate Highway 94 and on and west of U.S. Highway 83; (F) from points in Iowa on and south of U.S. Highway 20 and on and east of Interstate Highway 35 (except points described in (E) above), to points in North Dakota on, north and west of a line beginning on the Minnesota-North Dakota State line extending along North Dakota Highway 17 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line.

(G) from points in Iowa north of U.S. Highway 20 on and east of U.S. Highway 69, to points in North Dakota on and north of Interstate Highway 94 and on and west of U.S. Highway 83; (H) from points in Iowa on and south of Interstate Highway 80 and west of Interstate Highway 35, to ports of entry on the United States-Canada International Boundary line in North Dakota; (I) from points in Iowa to points in Montana on and North of U.S. Highway 2, points in Idaho on and north of U.S. Highway 12, points in Washington, and points in Oregon on and west of Interstate Highway 5; (J) from points in Iowa on and east of U.S. Highway 169, to points in Montana south of U.S. Highway 2 and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line; (K) from points in Iowa on and east of U.S. Highway 218, to points in Montana west of U.S. Highway 87, south of U.S. Highway 12 and east of U.S. Highway 89; (L) from points in Iowa on and east of U.S. Highway 65, to points in Idaho south of U.S. Highway 12 and in and north of Adams, Valley and Lehmi Counties; (M) from points in Iowa on and north of U.S. Highway 20, to points in Custer, Boise, Elmore, Ada, Gem, Washington, Fayette, Canyon and Owyhee Counties, Idaho; (N) from points in Iowa on, north and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, to points in Idaho in, east and south of Twin Falls, Gooding, Camas, Blaine, Butte, and Clark Counties;

(O) from points in Iowa on and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 218 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, to points in Oregon east of Interstate Highway 5 and on and west of U.S. Highway 395; (P) from points in Iowa on, east and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 61 to junction U.S. Highway 20, thence along U.S. Highway 20 to the junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, to points in Oregon east of U.S. Highway 395; (Q) from points in Illinois (except north and west of Illinois Highway 2), to points in North Dakota on and north of North Dakota Highway 13 and on and west of U.S. Highway 83; (R) from points in Illinois to points in Washington, points in Oregon on and west of U.S. Highway 395, points in Montana (except Fallon, Carter, and Powder River Counties), and points in Idaho in and north of Adams, Valley and Lehmi Counties; (S) from points in Illinois on and north of U.S. Highway 6, to points in Idaho south of Adams, Valley and Lehmi Counties; (T) from points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, to points in Oregon east of U.S. Highway 395; (U) from points in Wisconsin on and south of U.S. Highway 18 and on and east of U.S. Highway 45, to points in North Dakota on and north of U.S. Highway 2 and on and west of U.S. Highway 83; (V) from points in Wisconsin north of U.S. Highway 18, west of U.S. Highway 45, and east of U.S. Highway 53, to points in North Dakota on and west of U.S. Highway 83; and (W) from points in Wisconsin to points in Washington and Oregon. The purpose of this filing is to eliminate the gateways of East Grand Forks, Minn., and Fargo, N. Dak.

No. MC 113855 (Sub-No. E58), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 70, to junction U.S. Highway 81 to the Kansas-Oklahoma State line, on the one hand, and, on the

other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 13, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line.

(B) between points in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 40, to junction U.S. Highway 283, to junction Kansas Highway 96, to the Kansas-Colorado State line, on the one hand, and, on the other, points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line. (C) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 35, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. (D) between points in Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line and extending U.S. Highway 81 to junction U.S. Highway 50, to junction U.S. Highway 281, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E126), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural augers, front end loaders, lift trucks, tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors and *attachments and parts* of the commodities described above when moving in mixed loads with such commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more and *related parts* moving in connection therewith (restricted to commodities transported on trailers), (A) from Minot, N. Dak., and points in North Dakota south of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line, not including points on the indicated portions of the highways specified other than Minot, to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, points in Kansas on and east of U.S. Highway 81, and the District of Columbia;

(B) From points in North Dakota east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line (not including points on North Dakota Highway 1 or U.S. Highway 2, but including indicated points on U.S. Highway 281), to points in Arizona, California, Colorado, Nevada, Utah, Wyoming, and Idaho; (C) from points in North Dakota east of U.S. Highway 83, south of U.S. Highway 2, and west of U.S. Highway 281 (including points on U.S. Highway 83, and Minot, but excluding points on U.S. Highways 2 and 281), to points in California in and south of San Luis Obispo, Kern, and San Bernadino Counties (except Imperial County and those points in San Bernadino and Riverside Counties west of U.S. Highway 395); (D) from points in North Dakota on and north of Interstate Highway 94, and east of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 2 to junction North Dakota Highway 1 to the United States-Canada International Boundary line (not including points on U.S. Highway 2 or North Dakota Highway 1, but including Minot), to points in Iowa; (E) from points in North Dakota south of Interstate Highway 94, to points in Iowa on and east of U.S. Highway 169; (F) from points in North Dakota on and east of North Dakota Highway 1 and on and north of North Dakota Highway 13 (including points on North Dakota Highway 1 south of Lakota), to points in Kansas west of U.S. Highway 81; (G) from points in North Dakota on and south of U.S. Highway 2, on and east of North Dakota Highway 1, and on and north of North Dakota Highway 13 (except Lakota), to points in Nebraska, New Mexico, Oklahoma, and points in Montana west of Valley, Garfield, Rosebud, Big Horn, and Treasure Counties; (H) from points in Pembina, Walsh, Grand Forks, Trail, and Cass Counties, N. Dak., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 113855 (Sub-No. E128), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both, (A) from points in California south of Santa Cruz, San Benito, Fresno and Mono Counties, to points in Kansas on and east of U.S. Highway 75 and on and north of Kansas Highway 68; (B) from points in California in and north of Santa Cruz, San Benito, Fresno and Mono Counties, to points in Kansas on and east of U.S. Highway 81 (except Summer, Cowley, Sedwick and Butler Counties); (C) from points in California on and north of a line beginning at the Pacific Ocean and extending along California Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, to points in Louisiana, points in Oklahoma on and east of Interstate Highway 35, and points in Texas on and east of U.S. Highway 77; (D) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumme and Alpine Counties, to points in Arkansas; (E) from points in California on and north of Interstate Highway 80, to points in Louisiana (except points in Calcasieu, Cameron and Jefferson Davis Counties); (F) from points in Utah (except Grand and San Juan Counties), to points in Kansas on and east of U.S. Highway 75;

(G) From points in Utah north of Illard, Sanpete, Emery and Grand Counties, to points in Louisiana and points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line; (H) from points in Utah to points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (I) from points in Utah on and north of a line beginning at the Utah-Nevada State line extending along U.S. Highway 50 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, to points in Arkansas; (J) from points in South Dakota, to points in Arkansas, Louisiana, points in Oklahoma on and east of U.S. Highway 81, and points in Texas on and east of U.S. Highway 83; (K) from points in South Dakota on and east of U.S. Highway 281 to points in New Mexico and Arizona. The purpose of this filing is to eliminate the gateway of Douglas County, Nebr. (except Omaha and points in its commercial zone).

No. MC 113855 (Sub-No. E144), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Mari-

on Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation sprinklers*, and *winches* designed for use with irrigation sprinklers, (2) *stump-cutting, cablelaying, trench-digging, trench-backfilling, and tree-moving equipment*, (3) *parts and attachments* for the commodities named in (1) and (2) above, (4) *trailers* designed for the transportation of commodities named in (1) and (2) above. (5) *hay balers* and *parts* which because of size or weight require the use of special equipment, and (6) *self-propelled articles*, described in (2) and (5) above, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) (i) from points in Box Elder, Tooele, Utah, Wasatch, Salt Lake, Duchesne, Summit, Davis, Morgan, Weber, Rich and Cache Counties, Utah, to points in Mississippi, points in Louisiana on and east of U.S. Highway 167, and points in Arkansas (except Polk, Howard, Sevier, Little River, Miller, Hempstead and Lafayette Counties), (ii) from points in Utah to points in Tennessee, Alabama, Georgia, Florida, and South Carolina, (iii) from points in South Dakota to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Arkansas (except Benton, Crawford, and Washington Counties) (Pella, Iowa*); (B) (i) from points in Kansas to points in Maine, (ii) from points in Kansas on and west of U.S. Highway 81 to points in Vermont, (iii) from points in Kansas on and west of Kansas Highway 99 to points in New Hampshire, (iv) from points in Cheyenne, Rawlins, Decatur, Norton, Phillips, Rooks, Graham, Sherida, Thomas and Sherman Counties, Kans., to points in South Carolina and points in Florida on and east of U.S. Highway 319, (v) from points in Nebraska to points in Maine, Vermont, New Hampshire, South Carolina, Alabama and points in Florida east of U.S. Highway 231, (vi) from points in Nebraska on and north of U.S. Highway 34 and on and west of Nebraska Highway 14 to points in Georgia and points in Tennessee on and east of Tennessee Highway 13 (South Dakota and Pella, Iowa*); (C) (i) from points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line, to points in Maine, Vermont, New Hampshire, South Carolina, points Tennessee north of Interstate Highway 40 and on and west of U.S. Highway 25W, and points in Arkansas north of Interstate Highway 40, (ii) from points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Georgia and points in Tennessee on and south of Interstate Highway 40,

(iii) From points in Minnesota on, west and north of U.S. Highway 63 to points in Florida and Louisiana, (iv) from points in Minnesota on, west and north of a line beginning at the Minnesota-Iowa State line extending along Interstate Highway 35 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to the Wisconsin-Minnesota State line, to points in Alabama, Mississippi, points in Arkansas on and south of Interstate Highway 40, and points in Texas on and south of Interstate Highway 80, (v) from points in Minnesota on and north of U.S. Highway 2, to points in Texas north of U.S. Highway 80 (points in Minnesota within 50 miles of Sioux Falls, S. Dak., and Pella, Iowa; or Pella, Iowa*); (D) from points in Lincoln, Flathead, Glacier, Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, McCone, Richland, Daweson and Wibaux Counties, Mont., to points in Texas on and east of U.S. Highway 77 (points in South Dakota east of the Missouri River, and Pella, Iowa*); (E) (i) from points in North Dakota on and north of Interstate Highway 94, to points in Texas on and east of U.S. Highway 77, (ii) from the port of entry on the United States-Canada International Boundary line at or near Pembina, N. Dak., to points in Texas west of U.S. Highway 77, (iii) from points in Pembina, Cavalier, Walsh, Grand Forks, Steele, Traill and Cass Counties, N. Dak., (except the port of entry on the United States-Canada International Boundary line at r near Pembina), to points in Texas west of U.S. Highway 77 and on and south of U.S. Highway 80 (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S. Dak.; and Pella, Iowa*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E168), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *street sweeping machines* which because of size or weight require the use of special equipment, and *related street sweeper parts and attachments* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery, and parts* moving in connection therewith (restricted to commodities transported on trailers); from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras and Alpine Counties, to points in South Carolina, points in Florida east of Jefferson County, points in Alabama on and north of Alabama Highway 10, and points in Georgia on and north of U.S. Highway 80 and on and east of Interstate Highway 75. (points in Iowa within 50 miles of Sioux Falls, S.D., and Minneapolis, Minn.)* (B) (1) *road construction machinery and equipment*, as defined by the Commission, and *lift trucks*, in flatbed trailers only, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; and (2) (a) *road construction equipment and machinery*, and *lift trucks*, which because of size or weight require the use of special equipment, and (b) self-propelled articles described in (a), above, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calveras and Alpine counties, to points in South Carolina, points in Florida east of Jefferson county, points in Alabama on and north of Alabama Highway 10, and points in Georgia on and north of U.S. Highway 80 and on and east of Interstate Highway 75. (points in Iowa within 50 miles of Sioux Falls, S.D., and Minneapolis or St. Paul or points within 15 miles thereof)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E169), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (1) *Road construction equipment and machinery and lift trucks*, which because of size and weight require the use of special equipment and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in Nevada, to points in Maine, Vermont, New Hampshire, New York, Delaware, Virginia, and points in Tennessee on and east of Tennessee Highway 70. (B) from points in Nevada (except points in White Pine, Lincoln, Clark, Ney and Esmeralda Counties), to points in Georgia, Alabama (except points in Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia Counties), and

points in Tennessee in and east of Hardin, Decatur, Benton and Henry Counties, which are west of Tennessee Highway 70. (C) from points in Nevada (except points in Clark, Lincoln, Nye, and Esmeralda Counties), to points in South Carolina and points in Florida (except points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington and Bay Counties). (Utah; South Dakota; and Minneapolis or St. Paul, Minn., or points within 15 miles thereof) *

II(1) street sweeping machines, which because of size or weight require the use of special equipment, and *related street sweeper parts and attachments* when their transportation is incidental to the transportation of the above-described commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more and *related machinary and parts* moving in connection therewith (restricted to commodities transported on trailers), (A) from points in Nevada, to points in Maine, Vermont, New Hampshire, New York, Delaware, Virginia, Maryland, points in Tennessee on and east of Tennessee Highway 70 and the District of Columbia. (B) from points in Nevada (except points in White Pine, Lincoln, Clark, Nye and Esmeralda Counties), to points in Georgia, points in Alabama (except points in Choctaw, Washington, Mobile, Baldwin, Clark, Monroe, Conecun, and Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington and Bay Counties). (Utah, South Dakota, and Minneapolis, Minn.) * The purpose of this fiiling to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E379), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both, (A) from points in Wisconsin south of Wisconsin Highway 60, to points in Texas on and west of U.S. Highway 281, points in Kansas on and west of U.S. Highway 77, points in Oklahoma on and west of Interstate Highway 35, and points in New Mexico and Arizona; Interstate Highway 35, and points in New Mexico and Arizona; (B) from points in Wisconsin on and north of Wisconsin Highway 60, to points in Oklahoma and Texas; (C) from points in Illinois on and north of U.S. Highway 6, to those points in Oklahoma, Kansas, and Texas on and west of U.S. Highway 83, and points in New Mexico; (D) from points in Illinois on and north of U.S. Highway 40 and west of U.S. Highway 67, to points in Arizona; (E) from points in Indiana on and north of U.S. Highway 30, to points in Kansas on and west of U.S. Highway 281; (F) from points in Indiana on and north of Interstate Highway 74, to points in New Mexico and Arizona; (G) from points in Michigan to points in Arizona, New Mexico, points in Kansas on and west of U.S. Highway 81, and those points in Texas and Oklahoma on and west of U.S. Highway 281; (H) from points in Ohio on and north of U.S. Highway 224, to points in New Mexico and points in Kansas on and west of U.S. Highway 281; (I) from points in Ohio to points in Arizona; (J) from points in Pennsylvania to points in New Mexico, Texas, points in Kansas on and west of U.S. Highway 183, and points in Oklahoma on and west of U.S. Highway 83; and (K) from points in Pennsylvania on and east of U.S. Highway 219, to points in Texas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of South Dakota and Douglas County, Nebr. (except Omaha and points in its commercial zone).

No. MC 113855 (Sub-No. E380), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; (A) (i) from points in North Dakota to those points in Texas and Oklahoma on and east of U.S. Highway 83, and points in Arkansas and Louisiana, (ii) from points in North Dakota on and east of U.S. Highway 83, to points in Texas and points in New Mexico on and south of U.S. Highway 60, (iii) from points in North Dakota on and east of North Dakota Highway 1 to points in New Mexico, (iv) from points in North Dakota on and east of North Dakota Highway 3 to points in Arizona, (v) from points in Minnesota to points in Oklahoma, Texas, New Mexico and Arizona, (vi) from points in Minnesota on and west of U.S. Highway 169 to points in Arkansas (points in Minnesota within 50 miles of Sioux Falls, S. Dak., and Douglas County, Nebr. (except Omaha and points in its commercial zone) *); (B) (i) from points in Montana, to points in Arkansas, Louisiana, points in Oklahoma on and east of U.S. Highway 281, and points in Texas on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Texas-Oklahoma State line; (ii) from points in Wyoming on and north of U.S. Highway 26, to points in Arkansas and Louisiana (points in South Dakota east of the Missouri River, and Douglas County, Nebr. (except Omaha and points in its commercial zone) *); (C) (i) from points in Washington, to points in Arkansas, Louisiana, point in Kansas on and east of U.S. Highway 81, and those points in Texas and Oklahoma on and east of Interstate Highway 35, (ii) from points in Oregon and points in Washington on and west of U.S. Highway 97, to points in Kansas on and east of U.S. Highway 281 (Utah and Douglas County, Nebr. (except Omaha and points in its commercial zone) *). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E381), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines* (except commodities which because of size or weight require the use of special equipment or special handling), in flat bed trailers only, (A) from points in Nevada, to points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, Michigan, Maryland, Ohio, West Virginia, Pennsylvania, New Jersey, Wisconsin, the District of Columbia, and points in Tennessee on and east of Tennessee Highway 70. (B) from points in Nevada (except points in White Pine, Lincoln, Clark, Ney and Esmeralda Counties), to points in Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia Counties), points in Tennessee in and east of Hardin, Decatur, Benton and Henry Counties, which are west of Tennessee Highway 70, and points in Kentucky and Illinois. (C) between points in Nevada (except Clark, Lincoln, Nye and Esmeralda Counties, on the one hand, and, on the other, points in South Carolina, North Carolina, and Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay Counties). (D) between points in Nevada (except Clark County), on the one hand, and, on the other, points in Indiana (except Hammond, Whiting, East Chicago and Gary). (E) from points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, Michigan (except Benton Harbor and Battle Creek), and points in Tennessee on and east of Tennessee Highway 70, to points in Nevada. (F) from points in Georgia, Alabama, (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia Counties), points in Tennessee in and east of Hardin, Decatur, Benton and Henry Counties, which are west of Tennessee Highway 70, and points in Kentucky, to points in Nevada (except White Pine, Lincoln, Clark, Nye and Esmeralda Counties). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E382), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE. Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (i) *road construction machinery and equipment*, as defined by the Commission and (ii) *lift trucks*, in flat bed trailers only, restricted to commodities in (i) and (ii) above which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both, (A) between points in Nevada, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Delaware, Virginia, and points in Tennessee on and east of Tennessee Highway 70. (B) between points in Nevada (except White Pine, Lincoln, Clark, Nye, and Esmeralda Counties), on the one hand, and, on the other, points in Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia Counties) and points in Tennessee in and east of Hardin, Decatur, Benton and Henry Counties, which are west of Tennessee Highway 70. (C) between points in Nevada (except Clark, Lincoln, Nye, and Esmeralda Counties), on the one hand, and on the other, points in South Carolina and points in Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties). (Utah; South Dakota; and Minneapolis or St. Paul, Minn., or points within 15 miles thereof) *

(2) *Road construction machinery and equipment*, as defined by the Commission, and *lift trucks* (except commodities which because of size or weight require the use of special equipment), in flat bed trailers only, (A) between points in Nevada, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Delaware, Virginia, points in Tennessee on and east of Tennessee Highway 70, and points in Michigan (except Benton Harbor and Battle Creek). (B) Between points in Nevada (except Clark, Lincoln and Nye and Esmeralda Counties), on the one hand, and, on the other, points in South Carolina, North Carolina, and Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay counties). (C) Between points in Nevada (except Clark County), on the one hand, and, on the other, points in Indiana (except Hammond, Whiting, East Chicago, and Gary). (D) From points in Nevada (except White Pine, Lincoln, Clark, Nye, and Esmeralda Counties), to points in Kentucky, Georgia, Alabama (except Choctaw, Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, and Escambia counties), and points in Tennessee, in and east of Hardin, Decatur, Benton, and Henry Counties which are west of Tennessee Highway 70. (E) From points in Kentucky, Georgia, Alabama (except Choctaw, Washington, Mobile, and Baldwin Counties), points in Tennessee in and east of Hardin, Decatur, Benton, and Henry counties, which are west of Tennessee Highway 70, to points in Nevada (except White Pine, Lincoln, Clark, Nye, and Esmeralda Counties). (Minneapolis or St. Paul, Minn., or points within 15 miles thereof.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E383), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines* (except those which require the use of special equipment), in flatbed trailers only, (A) from points in California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin counties), to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, District of Columbia, Delaware, Michigan, and New York. (B) From points in California north and east of Marion, Sacramento, Contra Costa, San Joaquin, Mono, and Tuolumne counties, and points in Santa Cruz, Stanislaus and San Francisco counties, to points in Indiana, Kentucky, South Carolina, North Carolina, points in Tennessee on and east of Interstate Highway 65, points in Florida east of Jefferson County, points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75. (C) From points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo Counties, to points in North Carolina, Indiana, points in Virginia on and east of U.S. Highway 52 and points in Kentucky on and east of U.S. Highway 231. (D) From points in Kern and Ventura Counties, Calif., and those points in San Bernardino and Riverside counties on and west of U.S. Highway 395, to points in Illinois on and north of U.S. Highway 36 and on and east of U.S. Highway 67, points in Indiana on and north of U.S. Highway 150, those points in North Carolina and Virginia on and east of U.S. Highway 52, and points in Kentucky on, east, and north of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E1384), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicants representative: Michael E. Miller, 502 First Natl Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (i) *Road construction machinery and equipment*, as defined by the Commission, and (ii) lift trucks in flatbed trailers only, restricted in (i) and (ii) above against commodities which because of size or weight require the use of special equipment, (1) from points in California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin Counties), to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, District of Columbia, Michigan, and New York. (2) From points in Santa Cruz, Stanislaus, and San Francisco Counties, Calif., and points in California north and east of Marin, Sacramento, Contra Costa, San Joaquin, Mono, and Tuolumne counties, to points in South Carolina, North Carolina, Indiana, Kentucky, points in Tennessee on and east of Interstate Highway 65, points in Florida east of Jefferson county, points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75. (3) From points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo counties, Calif., to points in North Carolina, Indiana, points in Virginia on and east of U.S. Highway 52 and points in Kentucky on and east of U.S. Highway 231.

(4) From points in Kern and Ventura counties, Calif., and those points in San Bernardino and Riverside counties, Calif., on and west of U.S. Highway 395, to points in Indiana north of U.S. Highway 150, those points in North Carolina and Virginia on and east of U.S. Highway 52, and points in Kentucky on, east, and north of a line beginning at Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421 to the Kentucky-Tennessee State line. (Minneapolis of St. Paul, Minn., or points within 15 miles thereof.) * (B) *Road construction machinery and equipment*, as defined by the Commission, and lift trucks in flatbed trailers only, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both, (1) from points in Maine, New Hampshire and Vermont, to points in California. (2) From points in South Carolina, points in Florida east in Jefferson County, points in Alabama on and north of Alabama Highway 10, points in Tennessee on and east of Interstate Highway 65, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75, to points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Cala-

veras, Alpine, Mono, and Inyo counties. (Minneapolis or St. Paul, Minn., or points within 15 miles thereof, and points in Iowa within 50 miles of Sioux Falls, S.D.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E385), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Road construction machinery and equipment*, as defined by the Commission, and *lift trucks* in flatbed trailers only, restricted against commodities which because of size or weight require the use of special equipment, (1) from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan (except Battle Creek and Benton Harbor), and New York, to points in California. (2) From points in North Carolina, Kentucky, South Carolina, points in Tennessee on and east of Interstate Highway 65, points in Florida east of Jefferson County, points in Indiana (except Hammond, Whiting, East Chicago, and Gary), points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75, to points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties. (3) From points in North Carolina, points in Virginia on and east of U.S. Highway 52, points in Indiana (except Hammond, Gary, Whiting, and East Chicago), and points in Kentucky on and east of U.S. Highway 231, to points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo Counties, Calif.

(4) From those points in Virginia and North Carolina on and east of U.S. Highway 52, points in Indiana (except Hammond, Gary, Whiting and East Chicago, and points south of U.S. Highway 150), and points in Kentucky on, east, and north of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421, to the Kentucky-Tennessee State line, to points in Kern, Ventura, Los Angeles, and Orange counties, Calif., and those points in San Bernadino and Riverside counties on and west of U.S. Highway 395. (Minneapolis or St. Paul, Minn., or points within 15 miles thereof.)* (B) *Street sweeping machines* (except those which because of size or weight require the use of special equipment or special handling) in flat bed trailers only, (1) from those points in Virginia and North Carolina on and east of U.S. Highway 52, points in Indiana (except Hammond, Gary, Whiting, and East Chicago, and points south of U.S. Highway 150), and points in Kentucky on, east, and north of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421, to the Kentucky-Tennessee State line, to points in Kern, Ventura, Los Angeles, and Orange counties, Calif., and those points in San Bernadino and Riverside counties on and west of U.S. Highway 395. (2) From points in Virginia on and east of U.S. Highway 52, points in North Carolina, points in Indiana (except Hammond, Whiting, East Chicago, and Gary), and points in Kentucky on and east of U.S. Highway 231, to points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo counties, Calif. (3) From points in Tennessee on and east of Interstate Highway 65, points in South Carolina, North Carolina, Kentucky, points in Florida east of Jefferson county, points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, points in Indiana (except Hammond, Whiting, Gary, and East Chicago), and points in Georgia on and east of Interstate Highway 75 and on and north of U.S. Highway 280, to points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine counties. (4) From points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan (except Battle Creek and Benton Harbor), and New York, to points in California. (Minneapolis, Minn.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E111), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in New York, Pennsylvania, and those in Ohio on and south of U.S. Highway 224 from the Indiana-Ohio State line to its junction with Ohio Highway 58 and on and east of Ohio Highway 58 to its junction with U.S. Highway 224 to Lake Erie and those points in Indiana on and south of U.S. Highway 24 from the Illinois-Indiana State line east to its junction with U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line; (2) from points in New York, Pennsylvania, and those in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, and those in Ohio on and north of U.S. Highway 36, and those in Indiana on and north of Indiana Highway 26, to points in Missouri; (3) from points McHenry, Lake, Kane, Cook, DuPage, and Will Counties, Ill., to points in Missouri on, south, and west of U.S. Highway 65 from the Iowa-Missouri State line to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line (except St. Louis and its commercial zone); (4) from points in Illinois on and north of U.S. Highway 36 and those in Indiana on, north, and west of Indiana Highway 28 from the Illinois-Indiana State line to its junction with Indiana Highway 25, thence along Indiana Highway 25 to its junction with Indiana Highway 15, thence along Indiana Highway 15 to the Indiana-Michigan State line, to points in Connecticut, Massachusetts, and Maryland. The purpose of this filing is to elimnnate the gateway of Lafayette, Ind.

No. MC 114019 (Sub-No. E278), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Seabrook, N.J., to points in Oregon, Washington, Bismarck, N. Dak., and Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 118831 (Sub-No. E3), filed June 3, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except cement, fertilizer, and vegetable oils), in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in that part of Mississippi on and south of Mississippi Highway 14, and points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along the Alabama Highway 32 to junction Alabama Highway 2, thence along Alabama Highway 2 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 27, thence along Alabama Highway 27 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Alabama Highway 76, thence along Alabama Highway 76 to junction U.S. Alternate Highway 231, thence along U.S. Alternate Highway 231 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of points in North Carolina and points in Georgia within the Lanett, Ala., commercial zone.

No. MC 118831 (Sub-No. E23), filed June 3, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* (except petrochemicals, fertilizer, and vegetable oils), in bulk, from points in Richmond County, Ga., to those points in Alabama on and west of a line beginning at the Alabama-Florida State line and extending along Alabama High-

way 27 to junction Alabama Highway 10 to the Alabama-Georgia State line and south of a line beginning at the Alabama-Georgia State line and extending along Alabama Highway 81 to junction U.S. Highway 431 to junction Alabama Highway 202 to junction U.S. Highway 78, to junction U.S. Highway 81 to junction Interstate Highway 65 to junction U.S. Highway 72, to junction U.S. Highway 43, to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateways of South Carolina and points in Georgia within the Lanett, Ala., commercial zone.

No. MC 118831 (Sub-No. E41), filed June 3, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except fertilizer and vegetable oils), in bulk, from Lanett, Ala., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Richmond County, Ga., and Charlotte, N.C.

No. MC 119631 (Sub-No. E1) (Correction), filed May 29, 1974. Published in FEDERAL REGISTER September 25, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories* other than pottery from points in Pennsylvania within 30 miles of East Palestine, Ohio, to points in Pennsylvania, Maryland, New York, New Jersey, Delaware, points in West Virginia on and west of U.S. Highway 220 and on and north of U.S. Highway 50, and points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, and Rhode Island (East Palestine, Ohio) *. *Brick and tile*, from points in Lawrence County, Pa., to Washington, D.C. and points in Virginia (East Liverpool, Ohio) *. The purpose of this filing is to eliminate the gateways marked with asterisks above. The purpose of this correction is to reflect the correct commodities. The remainder of the letter notice remains as previously published.

No. MC 119631 (Sub-No. E3) (Correction), filed May 29, 1974. Published in FEDERAL REGISTER September 26, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products and refractories*, from points in Ohio within 40 miles of Canton to points in Virginia and Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within the East Liverpool, Ohio, commercial zone. The purpose of this correction is to reflect the correct commodities.

No. MC 124078 (Sub-No. E80) (Correction), filed July 30, 1975, and published in the FEDERAL REGISTER December 10, 1975, and republished in part, as corrected, this issue. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1601, Milwaukee, Wis. Applicant's representative: James R. Carroll (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Clay and* clay slurry, in bulk, from points in Jefferson County, Ga., to points in Indiana, Illinois, Missouri, and Arkansas. (9) Clay and clay slurry, in bulk, from points in Twiggs County, Ga., to points in Kentucky, Missouri, Illinois, Indiana, and Arkansas. (10) Clay and clay slurry, in bulk, from points in Wilkinson County, Ga., to points in Arkansas, Missouri, Illinois, Indiana, and points in Kentucky in and west of Boyd, Elliott, Morgan, Wolfe, Breathitt, Perry, Leslie, and Harlan Counties. (28) Petroleum products, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in Indiana in, north, and east of Vigo, Clay, Owen, Monroe, Jackson, Scott, and Clark Counties, Ind. (49) *Barium chloride and barium* carbonate, in bulk, from Cartersville, Ga., to points in Illinois, Indiana, West Virginia, Missouri, Arkansas, and Virginia. (58) *Clay and clay slurry*, in bulk, from the plantsite or sites of United Sierra Division, Cyrus Mines Corporation at Macon, Ga., to points in Indiana, Illinois, Missouri, Arkansas, and points in West Virginia in and north of Mingo, Logan, Boone, Kanawha, Clay, Braxton, Lewis, Upshur, Randolph, Tucker, Grant, and Hardy Counties. (59) *Clay and clay slurry*, in bulk, from points in Washington County, Ga., to points in Illinois, Indiana, Missouri, and Arkansas. (62) *Clay*, in bulk, in tank, hopper, or dump-type vehicles, from points in Gadsden County, Fla., to points in Kentucky, Illinois, Indiana, Missouri, West Virginia, and points in Tennessee in and east of Montgomery, Dickson, Williamson, Maury, and Guiles Counties.

(84) *Clay and clay slurry*, in bulk, from points in Jefferson County, Ga., to points in Kentucky in and west of Lewis, Rowan, Menifee, Wolfe, Lee, Owsley, Clay, and Bell Counties. (85) *Clay and clay slurry*, in bulk, from points in Twiggs County, Ga., to points in West Virginia in, north, and west of Mingo, Logan, Boone, Kanawha, Clay, Braxton, Lewis, Harrison, Marion, and Monongalia Counties. (86) *Clay and clay slurry*, in bulk, from points in Wilkinson County, Ga., to points in West Virginia in, north, and west of Wayne, Cabell, Putnam, Jackson, Roane, Calhoun, Gilmer, Doddridge, Harrison, and Wetzel Counties. (87) *Clay and clay slurry*, in bulk, from points in Washington County, Ga., to points in Kentucky in and west of Bell, Clay, Owsley, Breathitt, Wolfe, Morgan, Elliott, Carter, and Boyd Counties. The purpose of this filing is to eliminate the gateways of: the facilities of Bulk Distribution, Inc., at or near Chattanooga, Tenn., in all of the above; and the plant site of United Sierra Division, United Mines Corporation, at Macon, Ga., in (62) above. The purpose of this partial correction is to correct the commodity descriptions in (2), (9), (10), (58), (59), (84), (85), (86), and (87) above; to correct the territorial descriptions in (28) and (49) above; and to indicate the correct gateways used in (62) above.

No. MC 128741 (Sub-No. E36) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER October 15, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 located within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof, and points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate the correct base territories proposed to be served.

No. MC 128741 (Sub-No. E118) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER of October 29, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Hamilton, Butler, Preble, and Darke Counties, Ohio. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate that New Jersey is the correct base area proposed to be served, and to correct the spelling of Butler County, Ohio.

No. MC 128741 (Sub-No. E121) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER October 22, 1974, as MC 128741 (Sub-No. E1212), and republished in part as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, PO. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission,

between points in Maryland, on the one hand, and, on the other, points in Ohio on, west, and south of a line from the Ohio-Kentucky State line along U.S. Highway 127 to the junction of Ohio Highway 29, thence junction of Ohio Highway 29 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of I1 U.S. Highway 40. The purpose of this partial republication is to correct the above docket number.

No. MC 128741 (Sub-No. E148) (Correction), filed June 4, 1974, and published in FEDERAL REGISTER October 29, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Michigan (except points in Gogebic, Ontonagon, Houghton, Iron, Marquette, Baraga, and Keweenaw Counties). The purpose of this filing is to eliminate the gateway of points in Green County, Mo., and points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate the correct spelling of the above Michigan Counties.

No. MC 128741 (Sub-No. E166) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER October 30, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Mobile and Baldwin Counties, Ala., on the one hand, and, on the other, points in Missouri on, north, and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate the correct gateway sought to be eliminated.

No. MC 128741 (Sub-No. E202) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER November 6, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in Texas on, west, and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to El Paso. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 40, and points in Canadian County, Okla. The purpose of this correction is to indicate that the correct base territory in the above proposal is Maryland in lieu of the District of Columbia.

No. MC 128741 (Sub-No. E204) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER November 6, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in North Carolina on the one hand, and, on the other, points in Michigan on, north, and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to the Wiscoggin River, thence along the Wiscoggin River to Saginaw Bay. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40, The purpose of this correction is to correctly indicate the Michigan Territory proposed to be served.

No. MC 128741 (Sub-No. E211) (Correction), filed June 4, 1974, and published in FEDERAL REGISTER November 6, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 located within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 16 miles thereof; and points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate that points in Indiana south of U.S. Highway 40 is one of the gateways sought to be eliminated.

No. Mc 128741 (Sub-No. E214) Correction), filed June 4, 1974, and published in FEDERAL REGISTER November 7, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Missouri on and north of U.S. Highway 66, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66 and on and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 35-W, thence along Interstate Highway 35-W to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., north of U.S. Highway 66, and points in Canadian County, Okla. The purpose of this correction is to indicate the correct Missouri Territory sought to be served.

No. MC 128741 (Sub-No. E222) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER November 7, 1974, and republished as corrected this issue. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Illinois on and north of U.S. Highway 50, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway Alternate 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40. The purpose of this correction is to indicate the correct Tennessee territory in the above proposal.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-2488 Filed 1-27-76;8:45 am]

federal register

WEDNESDAY, JANUARY 28, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications for Entitlement Grants

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications for Entitlement Grants

On June 9, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the community development black grant program. These include regulations governing the submission of applications for entitlement grants under Title I of the Housing and Community Development Act of 1974, which appear as 24 CFR Part 570, Subpart D.

The Department has now had the experience of reviewing and approving grants under Subpart D in fiscal year 1975. This experience shows the need for some changes. Also certain changes need to be made in Subpart D to delete material specifically designed for fiscal year 1975 and no longer appropriate and to add policies or requirements specifically intended for fiscal year 1976. Further, the Department has received a number of comments from the public indicating the desirability of making certain changes in Subpart D.

Accordingly, notice is hereby given that HUD is revising Subpart D to incorporate a series of technical and substantive amendments. The significant changes are as discussed in the following paragraphs.

1. Timing of submission of applications. Section 570.300(a) is being amended by deletion of certain material pertaining only to Fiscal Year 1975 and establishing the general rule that each applicant must submit its application 75 days prior to the end of its program year. It also establishes the application deadlines for entitlement communities and urban counties that did not apply in Fiscal Year 1975 or were previously disapproved. It also permits the Secretary under certain limited conditions, to extend application deadlines.

2. Public availability of application. This heading is added to the existing § 570.300(b).

3. Circular A–95. Section 570.300(c) is being revised to establish policy for meeting the requirements of OMB Circular No. A–95 for all Fiscal Year 1976 entitlement applicants. Because of the short lead time for implementing the new block grant legislation in Fiscal Year 1975, certain exceptions were granted by OMB to the regular requirements of the Circular. In Fiscal Year 1976, the regular clearinghouse review procedures will apply. It also establishes a procedure whereby HUD will satisfy the A–95 requirement for notification of intent to apply for Federal assistance.

4. Performance report. A new paragraph (d) is added to § 570.300 establishing the requirement that an applicant submit an annual performance report no earlier than 30 days prior to, and no later than the date of, submission of the application and that such report be made available in a timely fashion to local citizens. Section 570.300(f), requiring applicants to submit the annual performance report with its application, is deleted.

5. Program year. Section 570.301 is revised to permit an applicant to adjust its program year by 30 days without prior HUD approval. Applicants may request adjustments of up to three calendar months but only where it conforms to State or local fiscal or budgeting requirements.

6. Authorization to incur costs. Section 570.302 is revised by deleting authority for advances of funds which expired on June 30, 1975. The section is also given a new heading. Applicants' authority to incur costs is revised by deleting requirements imposed only for Fiscal Year 1975. The requirement for an appropriate resolution by the applicant to incur costs is deleted. An applicant is now authorized to incur costs for certain specific purposes after HUD has received an application.

7. Community development plan summary. In § 570.303(a), clarifying language has been added requiring an applicant to fully identify and describe those community development needs which are considered to have a particular urgency. In addition, applicants must state why such needs must be addressed.

8. Community Development Program. Section 570.303(b)(2) is revised by requiring that applicants indicate on maps the general location of all proposed activities described in the Community Development Program, rather than showing the location of only those activities to be undertaken with block grant funds.

9. Housing Assistance Plan. Proposed changes to § 570.303(c) were published in the FEDERAL REGISTER on January 15, 1976, with a request for public comments. Comments are to be submitted on or before January 30, 1976. After these comments have been received and evaluated, the Department will adopt and publish in the FEDERAL REGISTER amendments to § 570.303(c).

10. Community development budget. Section 570.303(d) is revised by clarifying that an applicant must include in its community development budget an amount sufficient to cover relocation costs it elects to provide pursuant to § 570.602(d).

11. Certifications—general. Section 570.303(e) is being revised and expanded to conform the regulations with the Assurances form contained in the application. All the certifications enumerated in § 570.303(e) are required by either Title I of the Housing and Community Development Act of 1974 or by Federal Management Circular 74–7. Consequently, § 570.303(e)(1), (2), (7), (9), (10), (14), (15), and (16), which were previously included in the Assurances form, are now included in the regulations for the first time. As a result, it is necessary to make technical changes in Subpart E to conform references to specific certifications to their new designations. The changes are made in §§ 570.401(c), 570.402(d), 570.403(c)(3), and 570.407(e)(4).

12. Certifications—citizen participation. Section 570.303(e)(4(iii) (formerly (e)(2)(iii)) is revised to delete language concerning revisions, changes, or amendments and to clarify that citizens must have an adequate opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of the application. Requirements concerning amendments to approved applications are included in § 570.305, and citizen participation performance standards concerning amendments, including reallocation of funds and designation of new activities or locations, are included in § 570.900(d).

13. Certifications—NEPA responsibilities. Section 570.303(e)(5) (formerly (e)(4)) is revised by substituting the phrase "chief executive officer or other officer of applicant approved by HUD" in lieu of the term "certifying officer", in order to conform these regulations with the environmental regulations contained in 24 CFR Part 58.

14. Certifications—civil rights. Section 570.303(e)(11) (formerly (e)(1)) is revised to expand and more fully cover the specific requirements of various civil rights statutes and executive orders as they apply to the block grant program. In addition, Executive Order 11246, concerning nondiscrimination in employment practices, is added to the certifications. Compliance with Executive Order 11246 was previously required in that it was included in the applicant's certification of compliance with FMC 74–7. Inclusion of Executive Order 11246 in these regulations is for the sole purpose of highlighting its applicability to the block grant program.

15. Certifications—Uniform Act. Sections 570.303(e)(12) and (13) (formerly (e)(3)) are revised and expanded to clarify the applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to the block grant program.

16. HUD review and approval of application. The conditions pertaining to HUD's acceptance of an application have been revised to add the requirement that the applicant's annual performance report has been submitted, and to delete the requirement that the required certifications have been executed since the signature line on the assurances form has been eliminated.

17. Conditional approval. Section 570.406(e) is revised by adding a fourth circumstance where conditional approvals will be made. This provides for a conditional approval where the requirements of this Part or other applicable laws are not met. It further requires HUD to state the reason for the condition and the actions necessary to remove the condition. Also, a new sentence is added to the end of the section providing that, for Fiscal Year 1976 only, HUD may condition the approval of an application to require a

recipient to submit a revised housing assistance plan to reflect revisions to the housing assistance (HAP) forms applicable to Fiscal Year 1976.

18. Nonmetropolitan area preapplications closing date. Section 570.400(b)(3)(iii) is revised by extending the deadline to February 13, 1976, for submission of preapplications for general purpose funds for nonmetropolitan areas. Interim regulations establishing submission dates for discretionary grants were published in the Federal Register (40 FR 50664) on October 30, 1975. Numerous comments were received that the January 15 deadline for submission of preapplications for nonmetropolitan discretionary funds did not provide applicants sufficient time to complete citizen participation requirements and A–95 reviews. Accordingly, the deadline is being extended to February 13, 1976.

19. Areawide projects. Sections 570.400(b)(3)(iii) and 570.400(c)(iii)(B) are revised to reserve the dates for submission of preapplications and applications for areawide projects. New dates will be published at a later time.

The revised procedures set forth in Subpart D are needed so that applicants can complete their applications and so that HUD can act on these requests for entitlement grants. This process of submission and HUD review must begin very quickly if the Department is to meet its overall responsibilities for reviewing and approving all Title I Fiscal Year 1976 applications in a timely fashion. Accordingly, the revised Subpart D sets forth a schedule under which applications for grants may be submitted as early as December 1, 1975. Because of this schedule, and the necessity for adhering to it, the Assistant Secretary for Community Planning and Development has determined that it is impracticable to follow a notice of proposed rulemaking procedure and that good cause exists for making these regulations effective on the date of publication.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451—7th Street, S.W., Washington, D.C. It is hereby certified that the economic and inflation impacts of these amendments have been carefully evaluated in accordance with OMB Circular No. A–107.

In consideration of the foregoing, 24 CFR Part 570 is amended by:

1. Revising Subpart D to read as follows:

Subpart D—Applications for Entitlement Grants

Sec.

570.300 Timing and presubmission requirements.
570.301 Program year.
570.302 Authorization to incur costs.
570.303 Application requirements.
570.304 Waiver of application requirements.
570.305 Program amendments.
570.306 HUD review and approval of application.

Subpart D—Applications for Entitlement Grants

§ 570.300 Timing and presubmission requirements.

(a) *Timing of submission of applications.* The general rule is that each applicant must submit an application at least 75 days prior to the beginning of the program year. If an applicant fails to submit an application within this period the application when received will be returned without review and no further consideration given the applicant's request.

The following are the only exceptions to the general rule:

(1) Applications may be submited no earlier than December 1 or later than June 30 of each fiscal year. This prohibition does not apply in those instances where an applicant has been authorized in writing to shorten its program year to end prior to February 1.

(2) Applicants who have not previously applied, or those whose applications were not approved in the previous fiscal year, may apply no earlier than December 1, and no later than February 28, of each fiscal year.

(3) A county seeking qualification as an urban county for the first time may apply no earlier than December 1, and no later than May 15, of each fiscal year.

(4) The Secretary may extend the deadline for submission of an application in particular cases in which, in his judgment, procedures mandated by State statute or regulation render submission of an application by the deadline impracticable, but in no event will submission of an application be accepted after July 31. Applicants wishing an extension pursuant to this paragraph shall inform the appropriate Area Office at least 30 days prior to the deadline for submission of its application. No extension will be granted if the request for extension and the reasons therefore have not been received within the period stated above.

(b) *Public availability of application.* Upon receiving advice from HUD that the application has been accepted for processing, the applicant shall make reasonable efforts to inform citizens involved in or affected by the local community development program that the application has been submitted to HUD and is available to interested parties upon request. This requirement may be satisfied by publication of a notice to that effect in a periodical of general circulation in the jurisdiction of the applicant.

(c) *Meeting the requirements of OMB Circular No. A–95.* Applicants must comply with all the procedures set forth in Part I of OMB Circular No. A–95 except as modified below. These procedures also require that program amendments submitted to HUD in accordance with paragraphs §§ 570.305(a) and 570.305(b) shall be submitted to clearinghouses.

(1) *Notification.* The A–95 requirement that clearinghouses be notified of an applicant's intent to apply for Federal assistance will be satisfied by HUD. Each fiscal year HUD will advise the appropriate State and areawide clearinghouses, with a copy to the applicant, of those communities entitled to receive grants under this Part. This notification will be provided at least 60 days prior to the date the applicant may submit the completed application to HUD for processing in accordance with the provisions of this subpart, except that an applicant wishing to submit its application to HUD before February 1 of each fiscal year shall provide its own notice of intent to file with the appropriate clearinghouses in accordance with the usual A–95 procedures.

(2) *Full application review.* Unless the requirement is waived by a clearinghouse, the applicant is required by Circular No. A–95 to provide the clearinghouse a period of 30 days to review the completed application and transmit to the applicant any comments or recommendations. Clearinghouses should divide their comments into two sections. The first will cover comments relating to facts and data relevant to HUD's making its statutory determination on the application in accordance with § 570.306(b). The second section will include all other comments and recommendations which clearinghouses desire to submit to the applicant.

(3) *Application modification during HUD review.* An applicant modifying its application while it is under review by HUD is required by Circular No. A–95 to inform the clearinghouses of such modification. An applicant shall also indicate to the clearinghouses the number of days remaining, within the 75-day statutory limitation on review time described in § 570.306(c), for HUD to complete its review of the application.

(d) *Submission of Performance Report.* No earlier than 30 days prior to, and no later than the date of, submission of the application, the applicant shall submit an annual performance report as described in § 570.906. The annual performance report shall be made available to citizens for their information and consideration.

§ 570.301 Program year.

The first program year shall start on the date of notification of HUD approval of the application. A program year shall run for twelve consecutive months, with the following exceptions only:

(a) A recipient may either shorten or lengthen its program year by as much as 30 days without prior HUD approval.

(b) A recipient may request HUD approval to either shorten or lengthen its program year by more than 30 days but no more than three calendar months, but only for the purpose of conforming the program year to State or local fiscal or budgeting requirements. The request must be submitted in writing to HUD no later than February 1 of each fiscal year. For Fiscal Year 1976 applications only, a recipient that has received approval to shorten its original program year may make a written request for reinstatement of its original twelve month program year without any restriction on the reasons for the request.

§ 570.302 Authorization to incur costs.

(a) Except as provided at paragraph (b), below, funds provided under this Part may not be used to reimburse costs incurred for any activity prior to the beginning of the program year or prior to completing any applicable requirements of § 570.504.

(b) An applicant may incur costs, prior to the beginning of the program year, and may be reimbursed by HUD for such incurred costs, in the following cases:

(1) After acceptance of its application by HUD, in accordance with § 570.306, an applicant may incur costs for the purpose of environmental studies and for the purposes authorized by § 570.200(a)(12) of this Part; and

(2) After approval of its application by HUD, in accordance with § 570.306, an applicant may incur costs for activities included in the approved Community Development program.

(c) The authority to incur costs under paragraph (b), above, shall not relieve the applicant of the requirements of § 570.504 regarding the release of funds. If the activity for which costs are to be incurred is a public service or a flood and drainage facility for which other Federal funds must be sought, the provisions of § 570.607 must be complied with prior to the incurring of any costs to be reimbursed by HUD. If the activity for which costs are to be incurred is subject to the environmental review requirements, the provisions of 24 CFR Part 58, including approval by HUD of a certification and request for release of funds, must be complied with prior to the incurring of any costs to be reimbursed by HUD.

(d) Reimbursement by HUD for any costs incurred pursuant to paragraph (b), above, is subject to the activity for which such costs are to be incurred, and such costs, meeting the requirements of, and being included in, an application submitted pursuant to § 570.303 and such application being approved in accordance with § 570.306.

§ 570.303 Application requirements.

An application for a grant shall conform to and be limited to the prescribed HUD forms and shall include the following items:

(a) *Community development plan summary.* The application shall include a summary of a three-year community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short and long-term community development objectives which have been developed in accordance with areawide development planning and national urban growth policies. The plan summary shall also describe a program which is designed to eliminate or prevent slums, blight, and deterioration where such conditions or needs exist and to provide improved community development facilities and public improvements, including the provision of supporting health, social, and similar services where necessary and appropriate. In identifying the needs, the applicant shall take into consideration and summarize any special needs found to exist in any identifiable segment of the total group of lower income persons in the community. Section 104(b)(2) of the Housing and Community Development Act of 1974 and § 570.303(e)(6) require that all applicants certify that the "Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight." The Act also provides that "the Secretary may also approve an application describing activities which the applicant certifies and the Secretary determines are designed to meet other community development needs having a particular urgency as specifically described in the application." In order for the Secretary to make the determination required by the Act and the regulations, the applicant must specifically describe all "other community development needs having a particular urgency." Therefore, for each such community development need an applicant shall specifically describe the nature of the need and the reasons for its particular urgency and indicate why the need must be addressed at the time of application for block grant funds. With respect to areawide planning, the applicant must give careful consideration to applicable areawide plans but need not conform rigidly to such plans or secure approval of areawide planning agencies. Where activities are determined in the A–95 comments transmitted by the areawide planning agency to be inconsistent with areawide plans, then the applicant shall provide in the application to HUD an explanation of the reasons for the inconsistencies.

(b) *Community Development Program.* (1) The application shall include a summary of a Community Development Program which:

(i) Includes the activities to be undertaken with the funds provided under this Part for the program year to meet the community development needs and objectives, together with the estimated costs and general location of such activities;

(ii) Indicates resources other than those provided under this Part which are expected to be made available during the program year toward meeting the identified needs and objectives; and

(iii) Takes into account appropriate environmental factors.

(2) The applicant shall submit a map or maps of the geographic jurisdiction of the applicant. Such maps shall indicate the general location of all proposed activities described in the Community Development Program and indicate separately by each census tract, the concentrations of minority groups and lower-income persons.

(3) An applicant may provide in the Community Development Program for the planned obligation of program year funds in the subsequent program year. An applicant may also provide in its Community Development Program for the payment of the cost of an eligible activity in installments or increments over a several year period, in which case the applicant shall provide in its Community Development Program for the obligation of at least a portion of its entitlement amount for the activity in the program year that the activity is initiated and shall identify that the cost of such activity is to be phased over a several year period; nevertheless, approval of such activity in subsequent years is subject to the availability of funds and the submission of an application meeting the requirements of this subpart each year for which entitlement funds are to be applied toward payment for the activity. A Community Development Program shall not consist solely of planning activities as described in § 570.200(a)(12).

(c) *Housing assistance plan.* The application shall contain a housing assistance plan which:

(1) Accurately surveys the condition of the housing stock in the community. The applicant shall present in summary form a description of housing conditions by number of units in standard condition and in substandard condition, and to the extent such information is generally available, the units suitable for rehabilitation, and in each case distinguishing the numbers which are occupied and which are vacant.

(2) Estimates the housing assistance needs of lower income persons (including lower-income persons who are elderly and handicapped persons, large families, and persons displaced or to be displaced) either already residing in the community, or planning or expected to reside in the community as a result of planned or existing employment facilities. The assessment of housing assistance needs of lower income persons should take into consideration and summarize any special needs found to exist in any identifiable segment of the total group of lower-income persons in the community.

(3) Specifies, a realistic annual goal for the number of dwelling units or persons to be assisted including the relative proportion of new, rehabilitated and existing dwelling units, and the sizes and types of housing projects and assistance best suited to the needs of lower income persons in the community. This statement of the annual goal for dwelling units to be assisted shall take into consideration the housing conditions and needs summarized pursuant to the two preceding paragraphs of this section. The goals for new, rehabilitated, and existing units should be consistent with the findings pursuant to § 570.303(c)(1) with respect to the availability of existing units of standard quality and units suitable for rehabilitation. HUD field offices will advise applicants, upon request, of housing assistance resources available to field office jurisdictions pursuant to section 213 of the Housing and Community Development Act of 1974 prior to submission of the housing assistance plan by the locality.

(4) Indicates the general location by census tract or groups of census tracts of proposed new housing construction projects and substantial rehabilitation

projects for lower income persons on maps as called for in § 570.303(b)(2) (and for those projects proposed for HUD assistance, considering the site and neighborhood standards established by HUD for the housing assistance payments program), with the objectives of:

(i) Furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible.

(ii) Promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of low-income persons.

(iii) Assuring the availability of public facilities and services adequate to serve proposed housing projects.

(d) *Community development budget.* The applicant shall submit a community development budget on a form prescribed by HUD. Sufficient amounts shall be included in each year's budget to fully fund relocation payments and assistance for all persons expected to be displaced by that year's Community Development Program activities, even if such displacement will not occur until a later program year. The total amount for such relocation payments and assistance shall reflect the total costs to be incurred pursuant to both § 570.602(a) and 570.602 (d) and shall include any amounts to be made available in accordance with section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(e) *Certifications.* The applicant shall submit certifications, in such form as HUD may prescribe, providing assurances that:

(1) It possesses legal authority to apply for the grant, and to execute the proposed program.

(2) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(3) It has complied with all the requirements of OMB Circular No. A–95 as modified by this Part and that either:

(i) any comments and recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or

(ii) the required procedures have been followed and no comments or recommendations have been received.

(4) Prior to submission of its application, the applicant has:

(i) Provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements;

(ii) Held at least two public hearings to obtain the views of citizens on community development and housing needs; and

(iii) Provided citizens an adequate opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of the application.

The Act provides that no part of this paragraph shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its Community Development Program. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group involved in citizen participation in making final determinations concerning the findings and contents of the application. The sole responsibility and authority to make such final determinations rests exclusively with the applicant.

(5) Its chief executive officer or other officer of applicant approved by HUD:

(i) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of such Act apply pursuant to this Part;

(ii) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

The responsibilities of such an officer include, where applicable, as described in 24 CFR Part 58, the conduct of environmental reviews; decisionmaking, and action as to environmental issues; preparation and circulation of draft and final environmental impact statements; and assumption of lead agency responsibilities for preparation of such statements in behalf of Federal agencies other than HUD when such agencies consent to such assumption.

(6) The Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight.

The requirement for this certification will not preclude the Secretary from approving an application where the applicant certifies, and the Secretary determines, that all or part of the Community Development Program activities are designed to meet other community development needs having a particular urgency as specifically explained in the application in accordance with § 570.303 (a).

(7) It will comply with the regulations, policies, guidelines and requirements of Federal Management Circular 74–4 and 74–7, as they relate to the application, acceptance, and use of Federal funds under this Part.

(8) It will administer and enforce the labor standards requirements set forth in § 570.605 and HUD regulations issued to implement such requirements.

(9) It will comply with all requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Federal Management Circular 74–7.

(10) It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards.

(11) It will comply with:

(i) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

(ii) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services within the applicant's jurisdiction.

(iii) Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR 570.601), which provides that no person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under this Part.

(iv) Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal assistance.

(v) Executive Order 11246, and the regulations issued pursuant thereto (24 CFR Part 130), which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or federally-assisted contracts. Such contractors and subcontractors shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.

(vi) Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the

project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.

(12) It will:

(i) In acquiring real property in connection with the community development block grant program, be guided to the greatest extent practicable under State law, by the real property acquisition policies set out under Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and the provisions of Section 302 thereof;

(ii) Pay or reimburse property owners for necessary expenses as specified in Section 303 and 304 of the Act; and

(iii) Inform affected persons of the benefits, policies, and procedures provided for under HUD regulations (24 CFR Part 42).

(13) It will:

(i) Provide fair and reasonable relocation payments and assistance in accordance with Sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable HUD regulations (24 CFR Part 42), to or for families, individuals, partnerships, corporations or associations displaced as a result of any acquisition of real property for an activity assisted under this Part;

(ii) Provide relocation assistance programs offering the services described in Section 205 of the Act to such displaced families, individuals, partnerships, corporations or associations in the manner provided under applicable HUD regulations;

(iii) Assure that, within a reasonable time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to such displaced families and individuals in accordance with Section 205(c)(3) of the Act; and that such housing will be available in the same range of choices to all such displaced persons regardless of their race, color, religion, national origin, sex, or source of income;

(iv) Inform affected persons of the benefits, policies, and procedures provided for under HUD regulations; and

(v) Carry out the relocation process in such a manner as to provide displaced persons with uniform and consistent services, including any services required to insure that the relocation process does not result in different or separate treatment to such displaced persons on account of their race, color, religion, national origin, sex, or source of income.

(14) It will establish safeguards to prohibit employees from using 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, business, or other ties.

(15) It will comply with the provisions of the Hatch Act which limit the political activity of employees.

(16) It will give HUD and the Comptroller General through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.

§ 570.304 Waiver of application requirements.

(a) *Eligibility for waiver.* The Secretary may waive all or part of the application requirements contained in § 570.303 (a) and (b) if the applicant meets the following criteria:

(1) The applicant has a population of less than 25,000 according to the most recent data compiled by the Bureau of Census and is located:

(i) Outside a standard metropolitan statistical area, or

(ii) Inside such an area but outside an "urbanized area," as defined by the Bureau of Census;

(2) The application relates to the first community development activity to be carried out by such locality with assistance under this part; and

(3) The assistance requested is for a single development activity under this Part of a type eligible for assistance under § 570.200(a)(1)(iii); or neighborhood facilities, water and sewer facilities, historic properties, and parks, playgrounds, and similar recreational facilities authorized pursuant to § 570.200 (a)(2).

(b) *Secretarial determination.* Having considered the nature of the activities described in § 570.304(a)(3), the Secretary has determined that a waiver of the application requirements of § 570.303 (a) and (b) is not inconsistent with the purposes of this Part, provided that the grant requested does not exceed $1,000,000. The Secretary may also waive the application requirements of § 570.303 (a) and (b), in response to a written request in other cases in which the conditions described in § 570.304(a)(3) are met but the amount of the grant requested exceeds $1,000,000.

§ 570.305 Program amendments.

(a) *Mid-program year amendments.* An applicant shall submit an amended application to the HUD Area Office if the applicant's Community Development Program is being revised so that more than ten percent of the community development budget, excluding unspecified local option activities, is to be used for new or different activities not included in the approved community development program. An amendment shall also be submitted whenever the cumulative effect of a number of smaller changes add up to an amount that exceeds ten percent of the budget, excluding unspecified local option activities. The amendment submitted to HUD shall include only those elements of the application that are changed except that the amendment shall always include the certifications and assurances described in § 570.303(e). An applicant may also request HUD approval of an amendment to an approved housing assistance plan.

(b) *Other program amendments.* Program amendments not requiring prior HUD approval pursuant to the preceding paragraph may be undertaken by the applicant, provided all other requirements of this part are satisfied. Such amendments shall be reported to HUD as part of the annual performance report, as described in § 570.906, required with the subsequent annual application.

(c) *Reprogramming unobligated funds.* Funds that will be unobligated at the end of a program year may be reprogrammed as a part of a subsequent year's annual application for a grant so as to avoid subsequent program amendment. Such a reprogramming is not a requirement inasmuch as an applicant may continue to carry out activities included in a prior year's application.

(d) *Reduction of amount for completion of urban renewal projects.* In order to protect the Federal Government's financial interest in existing urban renewal projects, a recipient must request prior written authorization from HUD any time that the amount of funds shown in an approved application for completion of urban renewal projects is to be reduced.

§ 570.306 HUD review and approval of application.

(a) *Acceptance of application.* (1) Upon receipt of an application, the HUD Area Office will accept it for review, provided that:

(i) It has been received before the deadline for receipt of applications established in § 570.300(a);

(ii) The application requirements specified in § 570.303 are complete, except with regard to those applications for which certain submission requirements are waived pursuant to § 570.304;

(iii) The funds requested do not exceed the entitlement amount;

(iv) Any comments and recommendations received from clearinghouses are attached to the application; and

(v) The applicant's performance report for the previous fiscal year has been submitted as required by § 570.300(d).

(2) If the application is accepted in accordance with the preceding paragraph, the date of acceptance of the application will be the date of receipt of the application in the HUD field office, and the applicant will be so notified in writing. If the application is not accepted for review, the applicant will be so notified in writing, and will be advised of the specific reasons for nonacceptance.

(b) *Scope of review.* (1) The Secretary will normally base his review upon the applicant's certifications, statements of facts and data and other programmatic decisions. The Secretary reserves the right, however, to consider substantial evidence including significant facts and data, in accordance with the review criteria in this section, which challenges the certifications, statements of facts and data, and other programmatic decisions, and to require additional information or assurances from the applicant as warranted by such evidence.

(2) Based on that review, the Secretary will approve the application unless:

(i) On the basis of significant facts and data, generally available (whether published data accessible to both the applicant and the Secretary, such as cen-

sus data, or other data available to both the applicant and the Secretary, such as recent local, areawide or State comprehensive planning data) and pertaining to community and housing needs and objectives, the Secretary determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data; or

(ii) On the basis of the application, the Secretary determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; or

(iii) The Secretary determines that the application does not comply with the requirements of this Part or other applicable law, or proposes activities which are ineligible under this Part.

(c) *Approval or disapproval of application.* Within seventy-five days of the date of receipt of the application, or at such earlier time as review is completed, the Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. In the event the Secretary has not mailed a notification to the applicant within seventy-five days from the date of acceptance of the application that it has been disapproved, the application shall be deemed to be approved. If the application is disapproved, the applicant shall be informed of the specific reasons for disapproval.

(d) *Approval of less than full entitlement.* The Secretary may adjust the entitlement amount to the extent identified in an application submitted under this Part designated for an activity or activities that are not eligible under § 570.200, and the deficiency has not been corrected prior to the expiration of the 75-day review period for the application. Funds not approved under the preceding sentence will be reallocated pursuant to § 570.107.

(e) *Conditional approval.* The Secretary may make a conditional approval, in which case the full entitlement amount will be approved but the utilization of funds for affected activities will be restricted. Conditional approvals may be made only where: (1) local environmental reviews under § 570.603 have not yet been completed; (2) the requirements of § 570.607 regarding the provision of public services or flood or drainage facilities have not yet been satisfied; (3) the provisions of § 570.802 are exercised; or (4) there is substantial evidence of failure to comply with the requirements of this Part or other applicable law, in which case the reason for the conditional approval and the actions necessary to remove the condition shall be specified.

For Fiscal Year 1976 only, HUD may condition the approval of an application to require a recipient to submit a revised housing assistance plan to reflect revisions in § 570.303(c) adopted subsequent to preparation of the application.

2. Part 570 is further amended by making the following changes in Subpart E to reflect changes being made in Subpart D.

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 [Amended]

A. In § 570.400 paragraph (b)(3)(ii) delete "January 15, 1975" and insert "February 13, 1976".

B. In § 570.400 paragraph (b)(3)(iii), delete "February 15, 1976 through March 31, 1976." and insert "(Reserved)."

C. In § 570.400 paragraph (c)(2)(iii)(B), delete "June 15, 1976 through July 30, 1976;" and insert "(Reserved);"

§ 570.401 [Amended]

D. In § 570.401 paragraph (c), delete from the last sentence the numbers "(1), (3), (4), (5), (6), and (8)," and insert the phrase "except for (4) and (6)."

§ 570.402 [Amended]

E. In § 570.402 paragraph (d), delete from the last sentence the number "(2)" and insert "(4)."

§ 570.403 [Amended]

F. In § 570.403 paragraph (c)(3), delete "§ 570.303(e)(1)" and the balance of the sentence and insert "§ 570.303(e)(1), (3), (5) if applicable, (7), (8), (11), (12) if applicable, and (13) if applicable, with respect to activities undertaken with funds under this Part."

§ 570.407 [Amended]

G. In § 570.407 paragraph (e)(4), delete "(1), (3), (4), (5) and (8)." and insert "except for (4) and (6)."

(Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Effective date. This amendment shall be effective on January 28, 1976.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.76-2352 Filed 1-27-76;8:45 am]

federal register

WEDNESDAY, JANUARY 28, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

■

CASA ADOBE UNIT, ET AL.

Order of Suspension

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-460]

CASA ADOBE UNIT, ET AL.

Order of Suspension

Notice is hereby given that: The Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon certain persons at their last known address a notice entitled "Submission of Property Reports and Contracts." Though service of notice by certified mail was attempted pursuant to 24 CFR 1720.440, it was not possible. Consequently, on November 21, 1975, the Department of Housing and Urban Development, pursuant to 44 U.S.C. 1508, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing (40 FR 54366-54370) effecting constructive notice upon certain Developer respondents. The Notice informed these persons of omissions of material provisions required by law in their Statement of Record and Property Reports, and advised them of their rights to request a hearing within 15 days of publication of the Notice. More than 15 days now having elapsed since the publication of the Notice and those persons listed in the attached Appendix and referred to in the Order of Suspension as "Developer" not having requested a hearing, the Department hereby issues to each Developer in the captioned matters listed on the Appendix the following Order of Suspension:

ORDER OF SUSPENSION PURSUANT TO 15 U.S.C. 1706(d) AND 24 CFR 1710.45(b)(1)

1. The Developer being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision which became effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on November 21, 1975, informing the Developer of information obtained by the Office of Interstate Land Sales Registration stating an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was constructively notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of January 28, 1976. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Pursuant to 44 U.S.C. 1508, service of this Order upon the Respondent is constructively noticed by publication of this Order in the FEDERAL REGISTER.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., January 21, 1976.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

APPENDIX

The captioned matters in this Appendix are listed alphabetically by subdivision in each State.

1. In the Matter of (Subdivision) Developer, Representative and Title; Respondent; and 2. OILSR No. & Land Sales Enforcement Division Docket No.:

ARIZONA

1. Casa Adobe Unit, Triple J. Ranches, Inc., Joe T. McDonald, president; 0-1527-02-287 Y-20001-IS.

2. Mead O Rama Ranchos, Lake Havasu Estates, Kenneth R. Lavin, president; 0-1819-02-360 Y-20002-IS.

3. People's Valley, Sunrise Development Co., Ted Warner, president; 0-2284-02-474 Y-20003-IS.

4. Pine Aire Estates, RIDCO, Inc., William P. Foster, president; 0-1939-02-384 Y-20004-IS.

5. Twin Lakes County Club, Universal Properties, Inc., Monroe G. Marks, president, 0-0863-02-122 Y-20005-IS.

ARKANSAS

1. Lake Lucerne, Bob Pitts Enterprises, Inc., Robert S. Pitts, president, 0-0699-03-23 Y-20006-IS.

2. Rolling Hills Estates, Salado Mountain Development Corp., Charles E. Daniels, Sr., president; 0-1874-03-93 Y-20007-IS.

CALIFORNIA

1. Alpine Peaks, Alpine Peaks, Ltd., David C. Irmer, president; 0-0797-04-119 Y-20008-IS.

2. B-4 Subdivision, Century Ranch, W. R. Peter, director-president; 0-1056-04-176 Y-20009-IS.

3. Blue Lake Springs, Blue Lake Springs Sales Corp., Kenneth W. DeMurse, president; 0-1482-04-296 Y-20010-IS.

4. Blue Lake Springs, Blue Lake Springs Dev., Co., Kenneth W. DeMurse, president; 0-1596-04-317 Y-20011-IS.

5. California Pines, Leisure Industries, Inc., Arthur W. Carlsberg, president-director; 0-0957-04-152 Y-20012-IS.

6. California Properties, Ltd. #1, Jaymark Financial, Inc., J. Mark Grasnenar, president; 0-2398-04-470 Y-20013-IS.

7. Dollar Point Unit #6, General American Dev., Corp., David C. Irmer, president; 0-0831-04-127 Y-20014-IS.

8. Dollar Point Unit #7, General American Dev., Corp., David C. Irmer, president; 0-0832-04-128 Y-20015-IS.

10. Lake Millerton, Recreational Park, Lake Millerton Realty Co., Richard P. Carlsberg, president-director; 0-2481-04-490 Y-20017-IS.

11. Los Angeles Rancheros, Scottfield Corporation, James Scott Watt, president-director; 0-0262-04-32 Y-20018-IS.

12. Oceana Marin, Unit 5, Frisco Land & Mining Co., Benjamin P. Bonelli, president-director; 0-2370-04-468 Y-20019-IS.

13. Pinon Hills Estates, Tract 8050, Commonwealth United Land Co., Sidney Kilbrick, president-director; 0-0191-04-24 Y-20020-IS.

14. Pinion Hills Estates, Tract 8047, Commonwealth United Land Co., Sidney Kilbrick, president-director; 0-0192-04-25 Y-20021-IS.

15. Pinion Hills Estates, Tract 8045, Commonwealth United Land Co., Sidney Kilbrick, president-director; 0-0193-04-26 Y-20022-IS.

16. Pinon Hills Estates, Tract 8046, Commonwealth United Land Co., Sidney Kilbrick, president-director; 0-0319-04-43 Y-20023-IS.

17. Pinon Hills Estates, Tract 8048, Commonwealth United Land Co., Sidney Kilbrick, president-director; 0-0424-04-54 Y-20024-IS.

18. Rancho Capistrano, Rancho Capistrano Corp., Richard W. Beamish, president; 0-0310-04-41 Y-20027-IS.

19. Salton City, Holly Corporation, Marcus R. Hickerson, president; 0-0932-04-144 Y-20028-IS.

20. Sierra Meadows Unit No. 3, Sierra Meadows Developers, David C. Irmer, president; 0-0305-04-40 Y-20029-IS.

21. Sierra Meadows, General American Dev., Co., Leo Andrade, executive vice president; 0-0796-04-118 Y-20030-IS.

22. Sierra Meadows, General American Dev., Corp., Leo Andrade, executive vice president; 0-0887-04-132 Y-20031-IS.

23. Yosemite Timber Trails, Timber Trails International Inc., Gordon McMohon, president-director; 0-2446-04-483 Y-20030-IS.

COLORADO

1. Aspen Springs, Aspen Springs Company, Charles M. Mystrom, president-director, 0-0522-05-29 Y-20034-IS.

2. Condominium Estates, TE-KE-KI of Aspen, Mt. Sopris Estates, Glenco of Aspen, Inc., Glenn D. Frazier, president; 0-1201-05-69 Y-20035-IS.

3. Donala, The Skiland Corp., d.b.a. Donala Properties Ltd., Irving A. Beauchamp, Jr., Chairman of Board & president; 0-2480-05-267 Y-20036-IS.

4. Grand View Highlands, Grand View, Inc., Stephen W. Loy, president-director; 0-1364-05-93 Y-20038-IS.

5. Lake Purgatory, Arizona Columbine Ranch, Inc., Lighton G. Roberts; 0-1339-05-89 Y-20040-IS.

6. Saddleback Ridge Estates, Saddleback Ridge Estates, Inc., Robert Sanders, president-director; 0-1759-05-137 Y-20041-IS.

7. Walnut Creek Development, Walnut Creek Development Corp., Thomas G. Bonar, president-director; 0-1258-05-78 Y-20042-IS.

8. Winter Park North Dev. Family Heritage, Inc. V.N. & Evelyn M. Jacobson, V. N. Jacobson, president-director; 0-2234-05-227 Y-20043-IS.

FLORIDA

1. Central Florida Properties, KIC, Inc., Ted Kaplan, president-director; 0-1894-09-570 Y-20044-IS.

2. Central Grove Estates, Sun Coast Investment Prop. Inc., George S. Gordon, president; 0-1484-09-429 Y-20045-IS.

3. Coral Gables Land Co., Coral Gables Land Co. Acres, Eva Silverman (Aleman), president; 0-0106-09-34 Y-20046-IS.

4. Daytona Park Estates, Daytona—Sunshine Corp., Thomas E. Diego, president; 0-1124-09-298 Y-20047-IS.

5. Deerwood, Camp Phosphate Company, Walter E. Harnes, president; 0-1104-09-288 Y-20048-IS.

6. Forest Lake, Rayhan, Inc., William B. Ray, president; 0-0761-09-178 Y-20049-IS.

7. Golden Acres, South Florida Dev., Corp., Rafael S. Laru, president; 0-1397-09-392 Y-20050-IS.

8. Harbour Oaks Unit 1, William J. Reigel, William J. Reigel, trustee; 0-2768-09-817 Y-20051-IS.

9. Indian Mound Acres, General Southern Dev. Corp., William P. King, president; 0-1885-09-563 Y-20052-IS.

10. Innerarity Island, Innerarity Island, Ltd., Hamilton G. Kenner, president; 0-1514-09-438 Y-20053-IS.

11. Kissimmee Heights, Industrial Sites, Inc., Al Feldman, president-director; 0-1359-09-375 Y-20054-IS.

12. Miami Acres, Paul Berlin & Barney Landers, Paul Berlin & Barney Landers, trustees; 0-1407-09-396 Y-20055-IS.

13. Miami Country Estates, Nationwide Realty Corp., Ralph R. Feurring, president; 0-1106-09-291 Y-20056-IS.

14. Mirror Lake Homesites, Owenwood Dev. Co., Inc., Owen A. Wood, president; 0-0668-09-154 Y-20051-IS.

15. Palm Beach Isles, Palm Beach Isles Sales Corp., Frank M. Smith, president-director; 0-1199-09-321 Y-20058-IS.

16. Paradise Lakes, Wyman Atkins Investment Corp., Wyman B. Atkins, president; 0-0886-09-211 Y-20059-IS.

17. Rio De. St. John, North American Land Dev. Corp., Morris R. Kerr, president; 0-1427-09-406 Y-20060-IS.

18. Royal Acres, Atlantis Realty, Inc., A. Al Sanders, president; 0-2273-09-704 Y-20061-IS.

19. Royal Ranches, Royal Ranches, Ltd., James W. Hankin, general partner; 0-1334-09-367 Y-20062-IS.

20. St. Jude Harbor, St. Jude Harbor, Inc., Joseph J. Pappalardo, president; 0-1404-09-394 Y-20063-IS.

21. Sebring Ranchettes, Sebring Ranchettes, Inc., Marshall M. Chern, president; 0-1992-09-599 Y-20064-IS.

22. Southeast Florida Inv. Prop., Viking Communities Corp., Robert Berenbaum, president; 0-1746-09-515 Y-20065-IS.

23. South Gate Acres, 850 Investments, Inc., Robert E. Brown, president; 0-2738-09-811 Y-20066-IS.

24. Spanish Oaks—Manor View, Green Glades Fairway View, Elysian Fields, Limberlost and The Meadows, American Plantation, Inc., Gilbert P. Edwards, president; 0-1233-09-332 Y-20067-IS.

25. University North, Jay Gladwin, Jay Gladwin, president; 0-1105-09-289 Y-20068-IS.

HAWAII

1. Anthurium Garden Estates, JYS Corporation, Joseph Y. Sotomura, president-director; 0-0264-14-7 Y-20069-IS.

2. Anthurium Garden Estates, JYS Corporation, Joseph Y. Sotomura, president-director; 0-0677-14-12 Y-20070-IS.

3. Kalapana Seaview Estates, Kalapana Seaview Estates, Inc., Joseph Y. Sotomura, president-director; 0-1829-14-35 Y-20071-IS.

4. OHIA Estates, General Hawaiian Dev., Corp., Joseph Y. Sotomura, president-director; 0-1275-14-22 Y-20072-IS.

5. Tiki Gardens, Pelemike, Inc., Kenneth B. Griffin, assistant vice president; 0-1563-14-30 Y-20073-IS.

6. Volcano Golf & Country Club, General Hawaiian Dev., Corp., Joseph Y. Sotomura, president-director; 0-1344-14-24 Y-20074-IS.

MAINE

1. Olde Millbrook, Jordon & Hammond, Inc., William E. Hammond, president; 0-2374-23-25 Y-20075-IS.

MARYLAND

1. Tantallion on the Potomac & Tantallion Hills, Prestwick, Inc., David P. Rhame, president; 0-0097-24-2 Y-20076-IS.

2. White Sands, White Sands Corporation, E. M. Freeman, president; 0-2584-24-46 Y-20077-IS.

MICHIGAN

1. Twin Peaks—Uppnorthe #1-3, Midwest Resort Prop., Inc., Paul T. Lahti, Jr., president; 0-2298-26-36 Y-20078-IS.

MISSISSIPPI

1. Bayside Park, Bosworth Construction Co., Inc., William P. Bosworth, Jr., president; 0-2289-28-38 Y-20079-IS.

MISSOURI

1. Scandia, Lake Resorts Development, Inc., Frank R. Kramer, Edwin A. Lips; 0-2119-29-89 Y-20080-IS.

NEW HAMPSHIRE

1. Catamount, Catamount Investment Trust, Irving B. Hilsenroth; 0-1323-34-23 Y-20081-IS.

2. Heatherwood Estates, Great Northern Land Corp., Robert P. Springer, President; 0-1780-34-36 Y-20082-IS.

NEW JERSEY

1. Shamong Park Delaware Bay Estates Maps #1 & 5, Jas Guarino d.b.a. Green Acres Estates, Jas & Barbara Guarino; O-2024-35-9 Y-20083-IS.

NEW MEXICO

1. Caballo Estates, Plat 1, Ernest R. Riggs, president; O-2526-36-113 Y-20084-IS.

2. Roblito Ridge, Tenpar Limited, Richard M. White, general partner; O-1511-36-74 Y-20085-IS.

3. Trout Valley, Heart Bar Ranch, Inc., Don C. Maxon, president; O-0687-36-17 Y-20086-IS.

NORTH CAROLINA

1. Boiling Spring Lake, Reeves Telecom Broadcasting Corp., J. Drayton Hustle, president-director; O-0074-38-1 Y-20087-IS.

2. Boiling Spring Lake, Reeves Telecom Broadcasting Corp., Richard Gerimer, president; O-0698-38-7 Y-20088-IS.

3. Brandywine Bay Associates, Brandywine Bay Associates, James C. Gardner, president-director; O-3541-38-189 Y-20089-IS.

4. Wild Acres of Maggie Valley, Maggie Valley Leisure Estates, Inc., Frank R. MacNeill, president; O-2676-38-130 Y-20090-IS.

OHIO

1. Western Reserve Campgrounds, Melvin C. Bixler & Patricia A. Bixler; O-2465-41-16 Y-20091-IS.

OKLAHOMA

1. Blue Water Oaks, Eufaula Development Corp., James C. Shipp, president; O-3229-42-47 Y-2009-IS.

2. Gran Tara, Grandland Corporation, Don L. Foote, president, O-0134-42-1 Y-20093-IS.

PENNSYLVANIA

1. Beaver Run Campsites, Scotch Valley Construction Company, James J. Justofin, president; O-3536-44-259 Y-20094-IS.

2. Four Seasons Country Club, Four Seasons Country Club, Inc., Leon M. Stern, president; O-1197-44-49 Y-20095-IS.

3. Lake In The Clouds, Empire Clay Products, Inc., J. Douglas Ritchie, vice president, O-0256-44-6 Y-20096-IS

4. Lake In The Clouds, Empire Clay Products, Inc., J. Douglas Ritchie, vice president; O-0608-44-24 Y-20097-IS.

5. Old Orchard Farms, Marcus O. & Ernestine R. Schaefer; O-2857-44-187 Y-20098-IS.

6. Sky Meadows, Wendell West Co. of Pa., A. J. Hutton, Charles E. (Pat) Boone, Lawrence B. Angell, Mark Guebeich, Marsha W. Smith; O-0904-44-37 Y-20099-IS.

7. Twin Lake Estates, Twin Lake Estates, Inc., Alvin S. Schwartz, president; O-3359-44-242 Y-20100-IS.

TENNESSEE

1. 333 Cumberland Hunting Club, 333 Cumberland Hunting Club, Inc., Andy Blalock; O-3583-48-106 Y-20101-IS.

TEXAS

1. Cypress Lake Gardens, Heritage Communities of America, Inc., Peter B. San-Filipps, president; O-2880-49-276 Y-20102-IS.

2. Forest Wood, H & F Investments d.b.a. Forest Woods Subdivision, R. B. Foretich, R. E. Hill; O-3483-49-487 Y-20103-IS.

3. Hide-A-Way Harbor, Hide-A-Way Harbor, Inc., R. B. Vollman, president; O-0314-49-10 Y-20104-IS.

4. Hide-A-Way Harbor, Hide-A-Way Harbor, Inc., R. B. Vollman, president-director; O-0373-49-3 Y-20105-IS.

5. Johnson Country Estates, Research Investments, Ltd., Richard P. Tumpawsky, J. A. Keilly, Steven C. Shiffman, Paul Shiffman; O-3532-49-503 Y-20106-IS.

6. La'Mer Estates, Researched Investments, Ltd., Steven C. Shiffman, Paul Shiffman, Richard P. Tumpawsky, J. A. Keilly, Malcolm Leventhol; O-3626-49-543 Y-20107-IS.

7. Magnolia Woods, Consolidated Investment Co., Allen Prebles, Perry A. Tanner, Jr.; O-3746-49-567 Y-20108-IS.

UTAH

1. Dixie Deer Estates, Bivins Construction Co., Inc., Donald C. Bivins, president; O-2802-52-55 Y-20109-IS.

VERMONT

1. Smuggler's View, Smuggler's View Properties, Paul C. Manchester & Paul G. Dreyfores—partners; O-1031-53-14 Y-20110-IS.

VIRGINIA

1. Harbor View, Harbor Bay Corporation, Victor R. Gallagher, president; O-1701-54-78 Y-20111-IS.

2. Holiday Shores, Holiday Shores, Inc., Lennis Houston, director; O-1011-54-35 Y-20112-IS.

3. Mine Mountain, Mine Mountain Corportaing, Joseph W. Luter, III, president; O–2479–54–130 Y–20113–IS.

4. Stratford Harbor, American Central Corp. of Vir., Jim Miller, president; O–0129–54–8 Y–20114–IS.

WASHINGTON

1. Lost River Properties, Lost River Properties, a Limited Partnership, Edison R. Arnold—gen. partner, Stanley E. Harris—gen. partner; O–3078–56–77 Y–20115–IS.

2. Wilderness Rim, American Pacific Corp., C. R. Pettigrew, president; O–2395–56–55–Y–20116–IS.

WISCONSIN

1. Rockwood Estates, National Resort Communities, Inc., Raymond E. Thomas, president; O–0123–58–94 Y–20117–IS.

BAHAMAS

1. Norman's Cays, World Land & Investing Co., Ltd., Steven K. Fair, president.-dir.; O–1230–60–35 Y–20118–IS.

2. Grand Bahama East, Grand Bahama Properties, Ltd., John M. MacGregor, pres.-dir.; O–1346–60–40 Y–20119–IS.

CANADA

1. St. Hubert 226, Overseas Investors & Dev. Corp., Mashe Tamare, president-director; 0–0486–60–17 Y–20120–IS.

MEXICO

1. Vista Al Paraise, Vistas Unlimited, Inc., Keith R. Burch, president; 0–0876–60–25 Y–20121–IS.

VIRGIN ISLANDS

1. Cocoloba Village, Cocoloba Development Associates, Robert C. Preston; 0–2978–82–1 Y–20122–IS.

WEST INDIES

1. Marigot Bay, Marigot Development Limited, Kenneth R. Patrick, president; 0–0720–60–20 Y–20123–IS.

2. Antigua Golf & Country Club, Antigua Golf & Country Club, Ltd., Henry Benson, presidents; 0–1262–60–38 Y–20124–IS.

[FR Doc.76–2426 Filed 1–27–76;8:45 am

federal register

WEDNESDAY, JANUARY 28, 1976

PART IV:

CONSUMER PRODUCT SAFETY COMMISSION

■

BICYCLES

Republication of Safety Standard

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Safety Regulations as Amended

For the convenience of interested persons, set forth below are the bicycle safety regulations (16 CFR 1500.18(a)(12) and Part 1512) as amended by two documents published in the FEDERAL REGISTER of November 13, 1975 (40 FR 52815, 52828).

As specified in the promulgations of November 13, 1975, the bicycle safety regulations as amended shall become effective May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), and 1512.18(e) and (f), which shall become effective November 13, 1976. Minor corrections and editorial changes have been made.

1. Paragraph (a)(12) of § 1500.18 as revised at 40 FR 52834, Nov. 13, 1975, reads as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(12) Any bicycle as defined in § 1512.2(a) of this chapter (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2(d) and (e) of this chapter) that is introduced into interstate commerce on or after May 11, 1976, and that does not comply with the requirements of Part 1512 of this chapter, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

* * * * *

2. Part 1512 of 16 CFR Ch. II, as amended at 40 FR 52815 and 52828, Nov. 13, 1975, and corrected at 41 FR 1061, Jan. 6, 1976, reads as follows:

PART 1512—REQUIREMENTS FOR BICYCLES

Sec.

1512.1 Scope.
1512.2 Definitions.
1512.3 Requirements in general.
1512.4 Mechanical requirements.
1512.5 Requirements for braking system.
1512.6 Requirements for steering system.
1512.7 Requirements for pedals.
1512.8 Requirements for drive chain.
1512.9 Requirements for protective guards.
1512.10 Requirements for tires.
1512.11 Requirements for wheels.
1512.12 Requirements for wheel hubs.
1512.13 Requirements for front fork.
1512.14 Requirements for fork and frame assembly.
1512.15 Requirements for seat.
1512.16 Requirements for reflectors.
1512.17 Other requirements.
1512.18 Tests and test procedures.
1512.19 Instructions and labeling.
1512.20 Separability.

AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

EFFECTIVE DATE: At 40 FR 52835, Nov. 13, 1975, the effective date of Part 1512 was established as May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), and 1512.18 (e) and (f), which become effective November 13, 1976.

§ 1512.1 Scope.

This part sets forth the requirements for a bicycle as defined in § 1512.2(a) (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2 (d) and (e)) which is not a banned article under § 1500.18(a)(12) of this chapter.

§ 1512.2 Definitions.

For the purposes of this part:

(a) "Bicycle" means a two-wheeled vehicle having a rear drive wheel that is solely human-powered.

(b) "Sidewalk bicycle" means a bicycle with a seat height of no more than 635 mm (25.0 in.); the seat height is measured with the seat adjusted to its highest position.

(c) "Seat height" means the dimension from the point on the seat surface intersected by the seat post center line (or the center of the seating area if no seat post exists) and the ground plane, as measured with the wheels aligned and in a plane normal to the ground plane.

(d) "Track bicycle" means a bicycle designed and intended for sale as a competitive machine having tubular tires, single crank-to-wheel ratio, and no freewheeling feature between the rear wheel and the crank.

(e) "One-of-a-kind bicycle" means a bicycle that is uniquely constructed to the order of an individual consumer other than by assembly of stock or production parts.

(f) "Normal riding position" means that the rider is seated on the bicycle with both feet on the pedals and both hands on the handlegrips (and in a position that allows operation of handbrake levers if so equipped); the seat and handlebars may be adjusted to positions judged by the rider to be comfortable.

§ 1512.3 Requirements in general.

Any bicycle subject to the regulations in this part shall meet the requirements of this part in the condition to which it is offered for sale to consumers; any bicycle offered for sale to consumers in a disassembled or partially assembled condition shall meet these requirements after assembly according to the manufacturer's instructions. For the purpose of compliance with this part, where the metric and English units are not equal due to the conversion process the less stringent requirement will prevail.

§ 1512.4 Mechanical requirements.

(a) *Assembly.* Bicycles shall be manufactured such that mechanical skills required of the consumer for assembly shall not exceed those possessed by an adult of normal intelligence and ability.

(b) *Sharp edges.* There shall be no unfinished sheared metal edges or other sharp parts on bicycles that are, or may be, exposed to hands or legs; sheared metal edges that are not rolled shall be finished so as to remove any feathering of edges, or any burrs or spurs caused during the shearing process.

(c) *Integrity.* There shall be no visible fracture of the frame or of any steering, wheel, pedal, crank, or brake system component resulting from testing in accordance with: The handbrake loading and performance test, § 1512.18(d); the foot brake force and performance test, § 1512.18(e); and the road test, § 1512.18(p) (or the sidewalk bicycle proof test, § 1512.18(q)).

(d) *Attachment hardware.* All screws, bolts, or nuts used to attach or secure components shall not fracture, loosen, or otherwise fail their intended function during the tests required in this part. All threaded hardware shall be of sufficient quality to allow adjustments and maintenance. Recommended quality thread form is specified in Handbook H28, "Screw Thread Standards for Federal Services,"[1] issued by the National Bureau of Standards, Department of Commerce; recommended mechanical properties are specified in ISO Recommendation R898, "Mechanical Properties of Fasteners," and in ISO Recommendations 68, 262, and 263, "General Purpose Screw Threads."[2]

(e) *Protrusions.* The assembled bicycle shall be tested for exposed protrusions in accordance with the exposed protrusion test, § 1512.18(b). There shall be no exposed protrusions that do not have:

(1) The minor end dimension greater than 3.2 mm (⅛ in); and

(2) The major end dimension greater than 12.7 mm (½ in) with radii greater than 6.3 mm (¼ in).

(See figure 4 of this Part 1512 for examples of typical protrusions.) Capped exposed protrusions shall meet the requirements of this paragraph (e).

(f) *Protective caps.* Protective caps used to mask exposed protrusions shall be tested in accordance with the protective cap and end-mounted devices test, § 1512.18(c), and shall withstand a removal force of 66.7N (15 lbf).

(g) *Excluded area.* There shall be no protrusions located within the area bounded by (1) a line 89 mm (3½ in) to the rear of and parallel to the handlebar stem; (2) a line tangent to the front tip of the seat and intersecting the seat mast at the top rear stay; (3) the top

[1] Copies may be obtained from:
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

[2] Copies may be obtained from:
American National Standards Institute
1430 Broadway
New York, New York 10018

surface of the top tube; and (4) a line connecting the front of the seat (when adjusted to its highest position) to the junction where the handlebar is attached to the handlebar stem. The top tube on a female bicycle model shall be the seat mast and the down tube or tubes that are nearest the rider in the normal riding position. Control cables no greater than 6.4 mm (¼ in) in diameter and cable clamps made from material no thicker than 4.8 mm (3/16 in) may be attached to the top tube.

(h) *Screw length.* Screw lengths shall be such that the threads of the internally threaded fastener are fully engaged by the screw (or the threads of the internally threaded fastener are engaged for a length of more than one screw diameter). Screw lengths that can come in contact with the test cylinder in § 1512.18 (b) shall be limited to a maximum length of one major diameter of the screw beyond the internally threaded mating member and shall meet the requirements in § 1512.4(b). Screws that are exposed to any part of a rider's body in a normal riding position, however, shall be limited to a 3.2 mm (⅛ in) extension beyond the internally threaded mating member. Adjusting-type screws that meet the exposed protrusion requirements in § 1512.4(e) and that have no threaded ends exposed to a rider's body in the normal riding position are not required to be limited in length to one major diameter.

(i) *Control cable ends.* Ends of all control cables shall be provided with protective caps or otherwise treated to prevent unraveling. Protective caps shall be tested in accordance with the protective cap and end-mounted devices test, § 1512.18(c), and shall withstand a pull of 8.9 N (2.0 lbf).

(j) *Control cable abrasion.* Control cables shall not abrade over fixed parts and shall enter and exit cable sheaths in a direction in line with the sheath entrance and exit so as to prevent abrading.

§ 1512.5 Requirements for braking system.

(a) *Braking system.* Bicycles shall be equipped with front- and rear-wheel brakes or rear-wheel brakes only.

(b) *Handbrakes.* Handbrakes shall be tested at least ten times by applying a force sufficient to cause the handlever to contact the handlebar, or a maximum of 445 N (100 lbf), in accordance with the loading test, § 1512.18(d)(2), and shall be rocked back and forth with the weight of a 68.1 kg (150 lb) rider on the seat with the same handbrake force applied in accordance with the rocking test, § 1512.18(d)(2)(iii); there shall be no visible fractures, failures, movement of clamps, or misalignment of brake components.

(1) *Stopping distance.* A bicycle equipped with only handbrakes shall be tested for stopping distance by a rider of at least 68.1 kg (150 lb) weight in accordance with the performance test, § 1512.18(d)(2)(v) and (vi), and shall have a stopping distance of no greater than 4.57 m (15 ft.) from the actual test speed as determined by the equivalent ground speed specified in § 1512.18(d)(2)(vi).

(2) *Hand lever access.* Hand lever mechanisms shall be located on the handlebars in a position that is readily accessible to the rider when in a normal riding position.

(3) *Grip dimension.* The grip dimension (maximum outside dimension between the brake hand lever and the handlebars in the plane containing the centerlines of the handgrip and the hand brake lever) shall not exceed 89 mm (3½ in) at any point between the pivot point of the lever and lever midpoint; the grip dimension for sidewalk bicycles shall not exceed 76 mm (3 in). The grip dimension may increase toward the open end of the lever but shall not increase by more than 12.7 mm (½ in) except for the last 12.7 mm (½ in) of the lever. (See figure 5 of this Part 1512.)

(4) *Attachment.* Brake assemblies shall be securely attached to the frame by means of fasteners with locking devices such as a lock washer, locknut, or equivalent and shall not loosen during the rocking test, § 1512.18(d)(2)(iii). The cable anchor bolt shall not cut any of the cable strands.

(5) *Operating force.* A force of less than 44.5 N (10 lbf) shall cause the brake pads to contact the braking surface of the wheel when applied to the handlever at a point 25 mm (1.0 in.) from the open end of the handlever.

(6) *Pad and pad holders.* Caliper brake pad shall be replaceable and adjustable to engage the braking surface without contacting the tire or spokes and the pad holders shall be securely attached to the caliper assembly. The brake pad material shall be retained in its holder without movement when the bicycle is loaded with a rider of at least 68.1 kg (150 lb) weight and is rocked forward and backward as specified in the rocking test, § 1512.18(d)(2)(iii).

(7) *Pad material.* Brake pad material when placed in a pre-heated oven at a temperature of at least 121°±3° C (250°±5° F) for 30 minutes shall not melt or blister.

(8) *Hand lever location.* The rear brake shall be actuated by a control located on the right handlebar and the front brake shall be actuated by a control located on the left handlebar. The left-hand/right-hand locations may be reversed in accordance with an individual customer order. If a single hand lever is used to actuate both front and rear brakes, it shall meet all applicable requirements for hand levers and shall be located on either the right or left handlebar in accordance with the customer's preference.

(9) *Hand lever extensions.* Bicycles equipped with hand lever extensions shall be tested with the extension levers in place and the hand lever extensions shall also be considered to be hand levers.

(c) *Footbrakes.* All footbrakes shall be tested in accordance with the force test, § 1512.18(e)(2), and the measured braking force shall not be less than 178 N (40 lbf) for an applied pedal force of 310 N (70 lbf).

(1) *Stopping distance.* Bicycles equipped with footbrakes (except sidewalk bicycles) shall be tested in accordance with the performance test, § 1512.18(e)(3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.57 m (15 ft) from an actual test speed of at least 16 km/h (10 mph). If the bicycle has a footbrake only and the equivalent groundspeed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[3] the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

(2) *Operating force.* Footbrakes shall be actuated by a force applied to the pedal in a direction opposite to that of the drive force, except where brakes are separate from the drive pedals and the applied force is in the same direction as the drive force.

(3) *Crank differential.* The differential between the drive and brake positions of the crank shall be not more than 60° with the crank held against each position under a torque of no less than 13.6 N-m (10 ft-lb).

(4) *Independent operation.* The brake mechanism shall function independently of any drive-gear positions or adjustments.

(d) *Footbrakes and handbrakes in combination.* Bicycles equipped with footbrakes and handbrakes shall meet all the requirements for footbrakes in § 1512.5(c), including the tests specified. In addition, if the equivalent ground speed of the bicycle is 24 km/h (15 mph) or greater (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[3] the actual test speed specified in § 1512.18(e)(3) shall be increased to 24 km/h (15 mph) and both braking systems may be actuated to achieve the required stopping distance of 4.57 m (15 ft).

(e) *Sidewalk bicycles.* (1) Sidewalk bicycles shall not have handbrakes only.

(2) Sidewalk bicycles with a seat height of 560 mm (22 in.) or greater (with seat height adjusted to its lowest position) shall be equipped with a footbrake meeting all the footbrake requirements of § 1512.5(c), including the specified tests except that the braking force transmitted to the rear wheel shall be in accordance with the sidewalk bicycle footbrake force test, § 1512.18(f).

(3) Sidewalk bicycles with a seat height less than 560 mm (22 in.) (with seat height adjusted to its lowest position) and not equipped with a brake shall not have a freewheel feature. Such sidewalk bicycles equipped with a footbrake shall be tested for brake force in accordance with the sidewalk bicycle footbrake force test, § 1512.18(f). Such sidewalk bicycles not equipped with

[3] This is proportional to a gear development greater than 6.67 m (21.9 ft) in the bicycle's highest gear ratio. Gear development is the distance the bicycle travels in meters, in one crank revolution.

brakes shall be identified with a permanent label clearly visible from a distance of 3.1 m (10 ft.) in daylight conditions and promotional display material and shipping cartons shall prominently display the words "No Brakes."

EFFECTIVE DATE: Paragraph (c)(3) of § 1512.5 does not become effective until November 13, 1976.

§ 1512.6 Requirements for steering system.

(a) *Handlebar stem insertion mark.* The handlebar stem shall contain a permanent ring or mark which clearly indicates the minimum insertion depth of the handlebar stem into the fork assembly. The insertion mark shall not affect the structural integrity of the stem and shall not be less than 2½ times the stem diameter from the lowest point of the stem. The stem strength shall be maintained for at least a length of one shaft diameter below the mark.

(b) *Handlebar stem strength.* The handlebar stem shall be tested for strength in accordance with the handlebar stem test, § 1512.18(g), and shall withstand a force of 2000 N (450 lbf) for bicycles and 1000 N (225 lbf) for sidewalk bicycles.

(c) *Handlebar.* Handlebars shall allow comfortable and safe control of the bicycle. The inside dimension at the ends of the handlebars shall not be less than 356 mm (14 in.) nor more than 711 mm (28 in.) apart. Handlebar ends shall be symmetrically located with respect to the longitudinal axis of the bicycle and no more than 406 mm (16 in.) above the seat surface when the seat is in its lowest position and the handlebar ends are in their highest position.

(d) *Handlebar ends.* The ends of the handlebars shall be capped or otherwise covered. Handgrips, end plugs, control shifters, or other end-mounted devices shall be secure against a removal force of no less than 66.8 N (15 lbf) in accordance with the protective cap and end-mounted devices test, § 1512.18(c).

(e) *Handlebar and clamps.* The handlebar and clamps shall be tested in accordance with the handlebar test, § 1512.18(h). Directions for assembly of the bicycle required in the instruction manual by § 1512.19(a)(2) shall include an explicit warning about the danger of damaging the stem-to-fork assembly and the risk of injury to the rider that can result from overtightening the stem bolt or other clamping device. The directions for assembly shall also contain a simple, clear, and precise statement of the procedure to be followed to avoid damaging the stem-to-fork assembly when tightening the stem bolt or other clamping device.

§ 1512.7 Requirements for pedals.

(a) *Construction.* Pedals shall have right-hand/left-hand symmetry and the tread shall be an integral part of the pedal construction to the extent that removal of the tread material would substantially destroy the pedal. The tread surface shall be present on both top and bottom surfaces of the pedal except that if the pedal has a definite preferred position, the tread surface need only be on the surface presented to the rider's foot.

(b) *Toe clips.* Pedals intended to be used only with toe clips shall have toe clips securely attached to them and need not have tread surfaces. Pedals designed for optional use of toe clips shall have tread surfaces.

(c) *Pedal reflectors.* Pedals for bicycles other than sidewalk bicycles shall have reflectors in accordance with § 1512.16(e). Pedals for sidewalk bicycles are not required to have reflectors.

§ 1512.8 Requirements for drive chain.

The drive chain shall operate over the sprockets without catching or binding. The tensile strength of the drive chain shall be no less than 8010 N (1,800 lbf) or 6230 N (1,400 lbf) for sidewalk bicycles.

§ 1512.9 Requirements for protective guards.

(a) *Chain guard.* Bicycles having a single front sprocket and a single rear sprocket shall have a chain guard that shall cover the top strand of the chain and at least 90° of the perimeter where the drive chain contacts the drive sprocket as shown in figure 7. The chain guard shall extend rearward to a point at least 8 cm (3.2 in) forward of the centerline of the rear axle. The minimum width of the top area of the chain guard shall be twice the width of the chain in that portion forward of the rear wheel rim. The rear part of the top area may be tapered. The minimum width at the rear of the guard shall be one-half the chain width. Such chain guard shall prevent a rod of 9.4 mm (⅜ in) diameter and 76 mm (3.0 in) length from entrapment between the upper junction of the chain and the sprocket when introduced from the chain side of the bicycle in any direction within 45° from a line normal to the sprocket.

(b) *Derailleur guard.* Derailleurs shall be guarded to prevent the drive chain from interfering with or stopping the rotation of the wheel through improper adjustments or damage.

EFFECTIVE DATE: Paragraph (a) of § 1512.9 does not become effective until November 13, 1976.

§ 1512.10 Requirements for tires.

The manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire in lettering no less than 3.2 mm (⅛ in.) in height. The statement of recommended inflation pressure shall be in the English language utilizing Arabic numerals. (The following language is suggested to indicate recommended inflation pressure: "Inflate to ___ PSI.") After inflation to 110 percent of the recommended inflation pressure, the tire shall remain intact on the rim, including while being tested under a load of 2,000 N (450 lbf) in accordance with the rim test, § 1512.18(j). Tubular sew-up tires, nonpneumatic tires, and nonmolded wired-on tires are exempt from this section.

§ 1512.11 Requirements for wheels.

(a) *Spokes.* There shall be no missing spokes.

(b) *Alignment.* The wheel assembly shall be aligned such that no less than 1.6 mm (1/16 in.) clearance exists between the tire and fork or any frame member when the wheel is rotated to any position.

(c) *Rims.* Rims shall retain the spokes and tire when side-loaded with 2000 N (450 lbf) and tested in accordance with the rim test, § 1512.18(j). Sidewalk bicycles need not meet this requirement.

§ 1512.12 Requirements for wheel hubs.

All bicycles (other than sidewalk bicycles) shall meet the following requirements:

(a) *Locking devices.* Wheels shall be secured to the bicycle frame with a positive lock device. Locking devices on threaded axles shall be tightened to the manufacturer's specifications.

(1) *Rear wheels.* There shall be no relative motion between the axle and the frame when a force of 1,780 N (400 lbf) is applied symmetrically to the axle for a period of 30 seconds in the direction of wheel removal.

(2) *Front wheels.* Locking devices, except quick-release devices, shall withstand application of a torque in the direction of removal of 17 N-m (12.5 ft-lb).

(b) *Quick-release devices.* Lever-operated quick-release devices shall be adjustable to allow setting the lever position for tightness. Quick-release levers shall be clearly visible to the rider and shall indicate whether the levers are in a locked or unlocked position. Quick-release clamp action shall emboss the frame or fork when locked.

(c) *Front hubs.* Front hubs not equipped with lever-operated quick-release devices shall have a positive retention feature that shall be tested in accordance with the front hub retention test, § 1512.18(j)(3), to assure that when the locking devices are released the wheel will not separate from the fork.

§ 1512.13 Requirements for front fork.

The front fork shall be tested for strength by application of at least 39.5 J (350 in-lb) of energy in accordance with the fork test, § 1512.18(k)(1), without visible evidence of fracture. Sidewalk bicycles need not meet this requirement.

§ 1512.14 Requirements for fork and frame assembly.

The fork and frame assembly shall be tested for strength by application of a load of 890 N (200 lbf) or at least 39.5 J (350 in-lb) of energy, whichever results in the greater force, in accordance with the frame test, § 1512.18(k)(2), without visible evidence of fracture or frame deformation that significantly limits the steering angle over which the wheel can be turned. Sidewalk bicycles are exempt from this section.

§ 1512.15 Requirements for seat.

(a) *Seat limitation.* No part of the seat, seat supports, or accessories attached to the seat shall be more than 125 mm (5.0

in.) above the top of the seat surface at the point where the seat surface is intersected by the seat post axis.

(b) *Seat post.* The seat post shall contain a permanent mark or ring that clearly indicates the minimum insertion depth (maximum seat-height adjustment); the mark shall not affect the structural integrity of the seat post. This mark shall be located no less than two seat-post diameters from the lowest point on the post shaft, and the post strength shall be maintained for at least a length of one shaft diameter below the mark.

(c) *Adjustment clamps.* The seat adjustment clamps shall be capable of securing the seat in any position to which it can be adjusted and preventing movement of the seat in any direction under normal conditions of use. Following the road test, § 1512.18(p) (or the sidewalk bicycle proof test, § 1512.18(q), as applicable), the seat clamps shall be tested in accordance with the seat adjustment clamps and load test, § 1512.18(l).

§ 1512.16 Requirements for reflectors.

Bicycles shall be equipped with reflective devices to permit recognition and identification under illumination from motor vehicle headlamps. The use of reflector combinations off the center plane of the bicycle (defined in § 1512.18(m)(2)) is acceptable if each reflector meets the requirements of this section and of § 1512.18(m) and (n) and the combination of reflectors has a clear field of view of ±10° vertically and ±50° horizontally. Sidewalk bicycles are not required to have reflectors.

(a) *Front, rear, and pedal reflectors.* There shall be an essentially colorless front-facing reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector.

(b) *Side reflectors.* There shall be retroreflective tire sidewalls or, alternatively, reflectors mounted on the spokes of each wheel; the center of spoke-mounted reflectors shall be within 76 mm (3.0 in.) of the inside of the rim. Spoke-mounted reflectors shall be visible on each side of the wheel.

(c) *Front reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The optical axis of the reflector shall be directed forward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are tracking in a straight line, as defined in § 1512.18(m)(2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (c) when the reflector is attached to the bicycle. The front reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

(d) *Rear reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The reflector shall be mounted such that it is to the rear of the seat mast with the top of the reflector at least 76 mm (3.0 in) below the point on the seat surface that is intersected by the line of the seat post. The optical axis of the reflector shall be directed rearward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are traveling in a straight line, as defined in § 1512.18(m)(2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (d) when the reflector is attached to the bicycle. The rear reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

(e) *Pedal reflectors.* Each pedal shall have reflectors located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal.

(f) *Side reflectors.* Reflectors affixed to the wheel spokes shall be mounted either flat on the spokes or within the spoke cage such that the angle between the optical axis and the normal to the plane of the wheel shall not exceed the angle of the spokes with the plane of the wheel. The reflectors shall not interfere with any wheel adjustments. The side-mounted reflector devices shall be essentially colorless or amber on the front wheel and essentially colorless or red on the rear wheel.

(g) *Reflector tests.* The pedal, front-mount, rear-mount, and side-mount reflectors shall be tested in accordance with the reflector test, § 1512.18(n), to assure the reflectance values over the angles given in tables 1 and 2.

(h) *Retroreflective tire sidewalls.* When retroreflective tire sidewalls are used in lieu of spoke-mounted reflectors, the reflecting material shall meet the following requirements:

(1) The retroreflective material shall form a continuous circle on the sidewall.

(2) The retroreflective material shall adhere to the tire such that after the tire has been subjected to a temperature of 50°±3° C (122°±5.4° F) for 30 minutes, the retroreflective material cannot be peeled or scraped away without removal of tire material.

(3) The retroreflective material shall be as resistant to abrasion as is the adjacent sidewall material so that when retroreflective material is removed from the inflated tire by abrasion with a wet, steel bristle brush, tire material will be removed along with the retroreflective material.

(4) The retroreflective material shall be tested for performance in accordance with the retroreflective tire test, § 1512.18(o), to assure the reflectance properties over the angles given in table 3. When a portion of the retroreflective material is selected (and the remainder is masked as specified in § 1512.18(o)(2)(i)), the selected portion shall not contact the ground plane when the assembled bicycle is resting on that plane in any orientation.

§ 1512.17 Other requirements.

(a) *Road test.* Bicycles, other than sidewalk bicycles, shall be ridden at least 6.4 km (4.0 mi.) by a rider weighing at least 68.1 kg (150 lb.) and travel five times over a 30.5 m (100 ft.) cleated course in accordance with the road test, § 1512.18(p), and shall exhibit stable handling, turning, and steering characteristics without difficulty of operation. There shall be no system or component failure of the structure, brakes, or tires, and there shall be no loosening or misalignment of the seat, handlebars, controls, or reflectors during or resulting from this test.

(b) *Sidewalk bicycle proof test.* Sidewalk bicycles shall be dropped a distance of at least 300 mm (1.0 ft.) three times onto a paved surface with weights attached in accordance with the sidewalk bicycle proof test, § 1512.18(q). There shall be no fracture of wheels, frame, seat handlebars, or fork during or resulting from this test.

(c) *Ground clearance.* With the pedal horizontal and the pedal crank in its lowest position and any training wheels removed, it shall be possible to tilt the bicycle at least 25° from the vertical without the pedal or any other part (other than tires) contacting the ground plane.

(d) *Toe clearance.* Bicycles not equipped with positive foot-retaining devices (such as toe clips) shall have at least 89 mm (3½ in) clearance between the pedal and the front tire or fender (when turned to any position). The clearance shall be measured forward and parallel to the longitudinal axis of the bicycle from the center of either pedal to the arc swept by the tire or fender, whichever results in the least clearance. (See figure 6 of this Part 1512.)

§ 1512.18 Tests and test procedures.

(a) *Sharp edge test.* [Reserved]

(b) *Exposed protrusion test.* (Ref. § 1512.4(e))

(1) *Apparatus.* A cylinder of 83 mm (3¼ in) diameter and 254 mm (10 in) length.

(2) *Procedure.* All protrusions greater than 7.9 mm (5/16 in) in length shall be located and tested with the test apparatus to determine whether the protrusions can be brought into contact with the surface of the cylinder. Any protrusion of the dimensions specified that can be brought into contact with the cylinder is an exposed protrusion.

(c) *Protective cap and end-mounted devices test.* (Ref. § 1512.4 (f) and (i), § 1512.6(d).) Any device suitable for exerting a removal force of at least 67 N (15 lbf) for protective caps and 8.9 N (2.0 lbf) for end caps at any point and in any direction may be used. All protective caps and end-mounted handlebar devices shall be tested to determine that they cannot be removed by application of the specified forces.

(d) *Handbrake loading and performance test.* (Ref. § 1512.5(b).)

(1) *Apparatus.* A spring scale or other suitable device for measuring the specified forces on the handbrake levers and a dry, clean, level, paved surface of adequate length.

(2) *Procedure.* The loading test, § 1512.18(d)(2)(i), and the rocking test, § 1512.18(d)(2)(iii), shall be performed before the performance test, § 1512.18(d)(2)(v), is performed and no adjustments shall be made between these tests.

(i) *Loading test procedure.* The hand levers shall be actuated with a force applied at a point no more than 25 mm (1.0 in) from the open end of the lever. If the hand lever contacts the handlebar (bottoms) before a force of 445 N (100 lbf) is reached, the loading may be stopped at that point, otherwise the loading shall be increased to at least 445 N (100 lbf).[4] Application of the loading force shall be repeated for a total of 10 times and all brake components shall be inspected.

(ii) *Loading test criteria.* There shall be no visible fractures, failures, misalignments, and clearances not in compliance with applicable parts of § 1512.5.

(iii) *Rocking test procedure.* A weight of at least 68.1 kg (150 lb) shall be placed on the seat; the force required for the hand levers to contact the handlebars or 445 N (100 lbf), as determined in § 1512.18(d)(2), shall be applied to the hand levers;[4] and the bicycle shall be rocked forward and backward over a dry, clean, level, paved surface at least six times and for a distance of at least 76 mm (3 in) in each direction.

(iv) *Rocking test criteria.* There shall be no loosening of the brake pads, pad holders, or cable and hand-lever securing devices or any other functional brake component.

(v) *Performance test procedure.* The following test conditions, unless otherwise specified in this Part 1512, shall be followed:

(A) The bicycle shall be ridden over a dry, clean, smooth paved test course free from protruding aggregate. The test course shall provide a coefficient of friction of less than 1.0 and shall have a slope of less than 1 percent.

(B) The wind velocity shall be less than 11 km/h (7 mph).

(C) Only the brake system under test shall be actuated.

(D) The bicycle shall attain the specified ground speed while the rider is in the normal riding position.

(E) The rider shall remain in the normal riding position throughout the test.

(F) The bicycle must be moving in a straight line at the start of brake application.

(G) Corrections for velocity at the initiation of braking may be made. The corrected braking distance shall be computed as follows:

$$S_c = \left(\frac{V_s}{V_m}\right)^2 S_m$$

where:

S_c = Corrected braking distance,
V_s = Specified test velocity,
V_m = Measured test velocity,
S_m = Measured braking distance.

The test run is invalid if at the commencement of the test, the measured test speed of the bicycle is not less than nor greater than the test speed required by this Part 1512 by 1.5 km/h (0.9 mph).

(H) Four test runs are required. The stopping distance shall be determined by averaging the results of the four test runs.

(I) The stopping distances specified are based on a rider weight of at least 68.1 g (150 lb) and a maximum rider and weight combination of 91 kg (200 lb). Greater stopping distances are allowable for heavier riders and test equipment weights at the rate of 0.30 m per 4.5 kg (1.0 ft per 10 lb).

(J) A test run is invalid if front-wheel lockup occurs.

(vi) *Performance test criteria.* The stopping force applied to the hand lever at a point no closer than 25 mm (1.0 in) from the open end shall not exceed 178 N (40 lbf). Bicycles with an equivalent ground speed in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute)[3] shall stop from an actual test speed of 24 km/h (15 mph) or greater within a distance of 4.57 m (15 ft); when the equivalent ground speed is less than 24 km/h (15 mph) under the same conditions, the bicycle shall stop from an actual test speed of 16 km/h (10 mph) or greater within a distance of 4.57 m (15 ft).

(e) *Footbrake force and performance test.* (Ref. § 1512.5(c)(1) and (2))

(1) *Apparatus.* Suitable devices for exerting and measuring the required forces and a dry, clean, level, paved surface of adequate length.

(2) *Force test.* The braking force shall be measured as the wheel is rotated in a direction of forward motion, and the braking force is measured in a direction tangential to the tire during a steady pull after the wheel completes one-half revolution but before the wheel completes one revolution. The brake shall be capable of producing a linearly proportional brake force for a gradually applied pedal force from 89 N to 310 N (20 to 70 lbf) and shall not be less than 178 N (40 lbf) for an applied pedal force of 310 N (70 lbf). All data points must fall within plus or minus 20 percent of the brake force, based on the measured brake load using the least square method of obtaining the best straight line curve.

(3) *Performance test.* The procedure of § 1512.18(d)(2)(v) shall be followed to test the footbrake performance. The stopping distance shall be less than 4.57 m (15 ft) from an actual test speed of 16 km/h (10 mph). In addition, if the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[3] the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

NOTE.—No allowance shall be made for rider weight. See § 1512.5(d) for additional requirements for bicycles with both handbrakes and footbrakes.

(f) *Sidewalk bicycle footbrake force test.* For sidewalk bicycles, the footbrake force test is the same as for bicycles except: the brake force transmitted to the rear wheel shall continually increase as the pedal force is increased from 44.5 N to 225 N (10 to 50 lbf). The ratio of applied pedal force to braking force shall not be greater than two-to-one.

(g) *Handlebar stem test.* (Ref. § 1512.6(b))

(1) *Procedure.* The handlebar stem shall be tested for strength by applying a force of 2000 N (450 lbf), in a forward direction, for bicycles, or 1000 N (225 lbf) for sidewalk bicycles, at a point in line with the handlebar attachment point and at an angle of 45° from the stem centerline (See fig. 2).

(2) *Criteria.* No visible fractures shall result from this test.

(h) *Handlebar test.* (Ref. § 1512.6(e))

(1) *Stem-to-fork clamp test*—(i) *Procedure.* The handlebar and handlebar stem shall be assembled to the bicycle in accordance with the manufacturer's instructions. The handlebar-fork assembly shall be subjected to a torque applied about the axis of the stem, and shall then be disassembled and examined for signs of structural damage including cracking, splitting, stripping of threads, bearing damage, and bulging of the stem and fork structures. The handlebar and handlebar stem components shall be inspected for visible signs of galling, gouging, and scoring not due to normal assembly and disassembly operations.

(ii) *Criteria.* There shall be no visible movement between the stem and fork when a torque of 47+3, −0 N-m (35+2, −0 ft-lb) for bicycles and 20+3, −0 N-m (15+2, −0 ft-lb) for sidewalk bicycles is applied to the handlebar about the stem-to-fork axis. There shall be no visible signs of damage to the stem-to-fork assembly or any component part thereof.

(2) *Handlebar strength and clamp test*—(i) *Procedure.* The stem shall be in place on the bicycle or in an equivalent test fixture and secured according to manufacturers' instructions. A load shall be applied equally to each handlebar end in a direction to cause the greatest torque about the handlebar-to-stem clamp; deflection shall be measured along the line of applied force.

(ii) *Criteria.* The handlebars shall support a force of no less than 445 N (100 lbf) or absorb no less than 22.6 J (200 in-lb) of energy through a maximum deflection of no more than 76 mm (3.0 in.); the handlebar clamp shall prevent rotational movement of the

[4] For hand lever extensions, the loading shall be continued until a force of 445 N (100 lbf) is reached or the hand lever extension is in the same plane as the upper surface of the handlebars or the extension lever contacts the handlebars.

[3] See footnote 3 to § 1512.5.

handlebars relative to the clamp, and there shall be no visible fractures.

(i) *Pedal slip test.* [Reserved]

(j) *Rim test.* (Ref. §§ 1512.10 and 1512.11(c))

(1) *Procedure.* Only one wheel need be tested if the front and rear wheel are of identical construction. The wheel to be tested shall be removed from the bicycle and be supported circumferentially around the tire sidewall. A load of 2000 N (450 lbf) shall be applied to the axle and normal to the plane of the wheel for at least 30 seconds. If the wheel hub is offset, the load shall be applied in the direction of the offset.

(2) *Criteria.* The wheel and tire assembly shall be inspected for compliance with the requirements of § 1512.11(a) and shall be remounted on the bicycle according to the manufacturer's instructions and shall turn freely without roughness and shall comply with the requirement of § 1512.11(b).

(3) *Front hub retention test.* (Ref. § 1512.12(c))

(i) *Procedures.* Front hub locking devices shall be released. When threaded nuts and axles are used, the nuts shall be opened at least 360° from a finger tight condition. A separation force of at least 111 N (25 lbf) shall be applied to the hub on a line along the slots in the fork ends.

(ii) *Criteria.* The front hub shall not separate from the fork; fenders, mudguards, struts, and brakes shall not be allowed to restrain the separation.

(k) *Fork and frame test.* (Ref. §§ 1512.13 and 1512.14)

(1) *Fork test*—(i) *Procedure.* With the fork stem supported in a 76 mm (3.0 in) vee block and secured by the method illustrated in figure 1 of this Part 1512, a load shall be applied at the axle attachment in a direction perpendicular to the centerline of the stem and against the direction of the rake. Load and deflection readings shall be recorded and plotted at the point of loading. The load shall be increased until a deflection of 64 mm (2½ in) is reached.

(ii) *Criteria.* Energy of at least 39.5 J (350 in-lb) shall be absorbed with a deflection in the direction of the force of no more than 64 mm (2½ in.).

(2) *Fork and frame assembly test*—(i) *Procedure.* The fork, or one identical to that tested in accordance with the fork test, § 1512.18(k)(1), shall be replaced on the bicycle in accordance with the manufacturer's instructions; and a load of 890 N (200 lbf), or an energy of at least 39.5 J (350 in-lb), whichever results in the greater force, shall be applied to the fork at the axle attachment point against the direction of the rake in line with the rear wheel axle. The test load shall be counteracted by a force applied at the location of the rear axle during this test.

(ii) *Criteria.* There shall be no visible evidence of fracture and no deformation of frame that significantly limits the steering angle over which the front wheel can be turned.

(l) *Seat adjustment clamps and load test.* (Ref. § 1512.15(c))

(1) *Procedure.* A force of at least 668 N (150 lbf) shall be applied vertically downward (334 N (75 lbf) for sidewalk bicycles) to a point within 25 mm (1.0 in.) from either the front or rear of the seat, whichever produces the greatest torque on the seat clamp. After removal of this force, a force of 222 N (50 lbf) shall then be applied horizontally (111 N (25 lbf) for sidewalk bicycles) to a point within 25 mm (1.0 in.) from either the front or rear of the seat, whichever produces the greatest torque on the clamp.

(2) *Criteria.* No movement of the seat with respect to the seat post, or of the seat post with respect to the bicycle frame, shall have resulted from application of the forces specified.

(m) *Reflector mount and alignment test.* (Ref. § 1512.16(c) and (d))

(1) *Procedure.* A force of 89 N (20 lbf) shall be applied to the reflector mount in at least three directions selected as most likely to affect its alignment. At least one of those directions shall be selected to represent a force that would be expected in lifting the bicycle by grasping the reflector.

(2) *Criteria.* (i) During test: The optical axis of the reflector shall remain parallel within 15° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(ii) Post test: The optical axis of the reflector shall remain parallel within 5° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(n) *Reflector test.* (Ref. § 1512.16(g))

(1) *Conditioning.* The following conditioning in the order given shall be performed prior to testing for performance.

(i) *Warpage conditioning.* The reflector shall be held in a preheated oven for at least one hour at 50°±5° C (122±5.4° F). A pedal reflector may be conditioned integrally with its pedal.

(ii) *Mechanical impact conditioning.* The reflector shall be mounted faceup in a manner similar to the way in which it is mounted on the bicycle. A 13 mm (½ in.) diameter polished steel ball shall be dropped normal to the center of the face of the reflector from a height of 0.76 m (30 in.). The ball may be guided by a tube with holes, but not restricted in free fall. Pedal reflectors are exempt from this impact conditioning.

(iii) *Moisture conditioning.* The reflector shall be submerged in tap water in a suitable container. The container shall be pressurized in 17.2 kN/m² (2.5 psi) (equivalent to 1.7 m (5¾ ft.)) of water for 15 minutes and then released.

(2) *Reflector performance test.* (i) Arrangements for the reflector performance test shall be as shown in figure 3 and the distance D between the light source and the reflector shall be 30.5 m (100 ft.). The source of illumination shall be a lamp with a 51 mm (2.0 in.) effective diameter and a filament operating at 2,856±10 percent color temperature. The observation point shall be colocated (as close as practicable) with the source of illumination. The reflector shall be mounted with the center of the reflector at the center of rotation and at the same horizontal level as the source of illumination. Photometric measurements shall be made at the observation angles and entrance angles given in tables 1 and 2.

(ii) The observation angle is the angle formed by a line from the point of observation to the center of the reflector with a second line from the center of the reflector to the source of illumination. The entrance angle is the angle between the optical axis of the reflector and a line from the center of the reflector to the source of illumination. The entrance angle shall be designated left, right, up, and down in accordance with the position of the source of illumination with respect to the axis of the reflector as viewed from behind the reflector when the plane of the observation angle is vertical and the receiver is above the source.

(iii) Photometric measurements shall be made either visually or photoelectrically. With either method, the light reflected to the observation point shall be determined. Also, the illumination on the reflector from the source shall be measured.

(iv) For visual measurements a comparison lamp, emitting light similar in spectral quality to the reflector, shall be located adjacent to the reflector (at an angle not to exceed ½°) and arranged so that the candlepower can be varied from 0.01 to 0.25 to make the intensity duplicate that of the reflector under test. The candlepower of the source of the illumination of the reflector under test shall be known or determined for this test. Means shall be provided to change the intensity of the source of illumination without changing the filament color temperature. The comparison lamp shall be designed to avoid reflection from the source of illumination back in the direction of the observer. It shall be of such size and so diffused that when viewed by the observer (through a 2½× reducing monocular), the candlepower can be readily compared and adjusted to that of the reflector. The observer shall have at least 10 minutes of dark adaption before making observations. For photoelectric measurements, the opening to the photocell shall not be more than ½ inch vertical by 1 inch horizontal.

(v) Reflectors that mount on the bicycle in a fixed rotational position with respect to the bicycle, or the bicycle component on which they are mounted (such as pedals or spokes), shall be tested with a single orientation. Reflectors that do not mount on the bicycle in a fixed rotational position with respect to the bicycle shall be rotated about their axis through 360° to find the minimum candlepower per footcandle for each test point. If the measurement falls below the minimum requirement at any test point, the reflector shall be rotated ±5° about its axis from the angle where the minimum occurs, and the maximum candlepower per footcandle within this angle shall be the measured value.

(vi) Should uncolored reflections from the front surface interfere with photometric readings at any test point the low-

est reading and location within 1° above, below, right, and left of the test point shall meet the minimum requirement for the test point.

(vii) A recommended coordinate system for definition of color is the "Internationale de l'Eclairage (CIE 1931)" system in the *IES Lighting Handbook*,[5] fifth edition, 1972. In the coordinate system and when illuminated by the source defined in table 4 of this Part 1512, a reflector will be considered to be red if its color falls within the region bounded by the red spectrum locus and the lines $y=0.980 - x$ and $y=0.335$; a reflector will be considered to be amber if its color falls within the region bounded by the yellow spectrum locus and the lines $y=0.382$, $y=0.790-0.667x$, and $y=x-0.120$.

(o) *Retroreflective tire test.* (Ref. § 1512.16(h))

(1) *Apparatus.* Arrangements for the reflective intensity measurement shall be as shown in figure 3 of this Part 1512. A light projector (having a maximum effective lens diameter of $D/500$, where D is the distance from the source to the sidewall being measured) capable of projecting light of uniform intensity shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of 2856K±10% (equivalent to a tungsten filament lamp operated at a color temperature of 2856K±10% having approximately the relative energy distribution given in table 4 of this Part 1512). The light reflected from the test surface shall be measured with a photoelectric receiver, the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter of the receiver is more than $d/1000$ from its center (where d is the distance from the receiver to the sidewall). Tires to be tested shall be mounted on a wheel, the rim and spokes of which have been masked in flat black so that when measured without the tire they indicate no appreciable reflectance. The tire shall be mounted and fully inflated. Distances shall be measured from the plane of the wheel and the center of the hub. For the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft).

(2) *Procedure*—(i) *Masking.* The reflecting strip to be tested shall be within two concentric circles, the larger of which is no more than 0.02 m (0.79 in.) greater in radius than the smaller. While additional reflecting material is permitted outside such boundaries, such additional material shall not be counted in determining the average width of the reflecting strip and shall be masked off with opaque, matte black tape in testing the reflecting material.

(ii) *Orientation.* With the tire mounted and inflated, every position of the reflecting strip to be tested shall be oriented so that the normal to this portion is within 40° of parallel to the axis of rotation of the wheel.

(iii) *Measurement.* Measure the distance d from the receiver to the center of the wheel and the minimum distance r from the axis of rotation of the wheel to the unmasked portion of the reflective strip. Measure the illumination incident on the reflective strip at uniform intervals of no more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample E. If any one of such readings differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination of the receiver due to reflection from the sidewall for each entrance angle and each observation angle given in table 3 of this Part 1512. The entrance angle and the observation angle shall be in the same plane. A negative entrance angle (figure 3 of this Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retroreflection. The illumination incident on the test surface and the receiver shall be measured in the same units on a linear scale. Compute the ratio A for each combination of entrance angle and observation angle listed in table 3 as follows:

$$A=\frac{E_r}{E_i}\times\frac{d^2}{r}$$

Where:

A = Ratio in meters,
E_r = Illumination incident upon the receiver,
E_i = Illumination incident upon a plane perpendicular to the incident ray at the specimen position (see instructions above in this paragraph (o)(2)(iii) for averaging), measured in the same units as E_r,
d = The distance in meters from the receiver to the center of the wheel,
r = The minimum radius in meters of the boundary circles of the retroreflective strip.

The minimum value of A shall be that listed in table 3 of this Part 1512 for each combination of entrance angle and observation angle. The plane containing the entrance angle and the plane containing the observation angle shall coincide. In table 3, a positive entrance angle corresponds to the case in which the line of sight to the receiver lies between the line of incidence and the optic axis of the reflector, and a negative entrance angle corresponds to the case in which the line of incidence lies between the line of sight of the receiver and the optic axis of the reflector.

(iv) *Criteria.* The ratio A as defined in § 1512.18(o)(2)(iii) shall not be less than:

$$A=\frac{4\cos^2\theta}{1+\left(\frac{\phi}{0.225}\right)^{3/2}}$$

where A is ratio in meters, Θ is the entrance angle, and Φ is the observation angle in degrees. The criterion applies only for entrance angles from 0° to 40° and observation angles from 0.2° to 1.5°, and performance is not specified beyond this range. The values of A in table 3 are obtained from the above formula by rounding up to two significant figures. Except in cases in which the performance of the reflector is seriously questionable, a reflector with A at least the value given in table 3 at each of the six combinations of entrance and observation angle will be considered to satisfy this criteria.

(p) *Road test.* (Ref. §§ 1512.15(c) and 1512.17(a))

(1) *Procedure.* The bicycle shall be ridden at least 6.4 km (4.0 mi.) by a rider weighing at least 68.1 kg (150 lb.) with the tires inflated to maximum recommended pressure. Travel shall include riding the bicycle five times over a 30 m (100 ft.) course of wooden cleats fastened to a paved surface. The cleats shall be a full 25 mm (1.0 in.) high by 51 mm (2.0 in.) wide lumber with a 12 mm by 12 mm (½ in. by ½ in.) chamfer of 45° on the corners contacting the tires. The cleats shall be spaced every 1.8 m (6.0 ft.) over the 30 m (100 ft.) course. The bicycle shall be ridden over the cleated course at a speed of at least 24 km/hr (15 mph) with the rider firmly seated.

(2) *Criteria.* The bicycle shall exhibit stable handling, turning, and steering characteristics without difficulty of operation. There shall be no system or component failure of the structure, brakes, or tires and there shall be no loosening or misalignment of the seat, handlebars, controls, or reflectors.

(q) *Sidewalk bicycle proof test.* (Ref. §§ 1512.15(c) and 1512.17(b)).

(1) *Procedure.* The bicycle shall be loaded with weights of 13.6 kg (30 lb.) on the seat surface and 4.5 kg (10 lb.) attached to the end of each handle grip for a total load of 22.7 kg (50 lb.). The bicycle shall be lifted a distance of 0.3 m (1.0 ft.) and dropped (while maintaining an upright position) three times onto a paved surface. Following this and with weight removed, it shall be allowed to fall in any configuration and attitude from an upright position to the paved surface three times on each side.

EFFECTIVE DATE: Paragraphs (e) and (f) of § 1512.18 do not take effect until November 13, 1976.

§ 1512.19 Instructions and labeling.

A bicycle shall have an instruction manual attached to its frame or included with the packaged unit.

(a) The instruction manual shall include at least the following:

(1) Operations and safety instructions describing operation of the brakes and gears, cautions concerning wet weather and night-time operation, and a guide for safe on-and-off road operation.

(2) Assembly instructions for accomplishing complete and proper assembly.

(3) Maintenance instructions for proper maintenance of brakes, control cables, bearing adjustments, wheel adjustments, lubrication, reflectors, tires and handlebar and seat adjustments;

[5] Copies may be obtained from Illuminating Engineering Society, 345 East 47th Street, New York, N.Y. 10017.

should the manufacturer determine that such maintenance is beyond the capability of the consumer, specifics regarding locations where such maintenance service can be obtained shall be included.

(b) A bicycle less than fully assembled and fully adjusted shall have clearly displayed on any promotional display material and on the outside surface of the shipping carton the following: (1) A list of tools necessary to properly accomplish assembly and adjustment, (2) a drawing illustrating the minimum leg-length dimension of a rider and a method of measurement of this dimension.

(c) The minimum leg-length dimension shall be readily understandable and shall be based on allowing no less than one inch of clearance between (1) the top tube of the bicycle and the ground plane and (2) the crotch measurement of the rider. A girls' style frame shall be specified in the same way using a corresponding boys' model as a basis.

(d) Every bicycle subject to the requirements of this Part 1512 and introduced into interstate commerce on or after May 11, 1976 through May 11, 1978, shall be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles."

(1) Every such bicycle, displayed or offered for sale to consumers in a fully assembled condition, shall bear a label (such as a hang tag) at least 6.4 cm (2.5 in) by 17.8 cm (7 in) setting forth the required labeling statement legibly and conspicuously in capital letters at least 0.6 cm (0.25 in) high. No other words or symbols may appear on the label.

(2) The required labeling statement shall appear legibly and conspicuously in capital letters at least 1.3 cm (0.5 in) high on the retail carton of every such bicycle offered for sale to consumers in an unassembled or partially assembled condition.

(e) Every bicycle subject to the requirements of this Part 1512 shall bear a marking or label that is securely affixed on or to the frame of the bicycle in such a manner that the marking or label cannot be removed without being defaced or destroyed. The marking or label shall identify the name of the manufacturer or private labeler and shall also bear some form of marking from which the manufacturer can identify the month and year of manufacture or from which the private labeler can identify the manufacturer and the month and year of manufacture. For purposes of this paragraph, the term "manufacture" means the completion by the manufacturer of a bicycle of those construction or assembly operations that are performed by the manufacturer before the bicycle is shipped from the manufacturer's place of production for sale to distributors, retailers, or consumers.

EFFECTIVE DATE: Paragraphs (d) and (e) of § 1512.19 do not become effective until Nov. 13, 1976.

§ 1512.20 Separability.

If any section or portion thereof of this Part 1512 or its application to any person or circumstance is held invalid, the remainder of the section(s) and its (their) application to other persons or circumstances is not thereby affected.

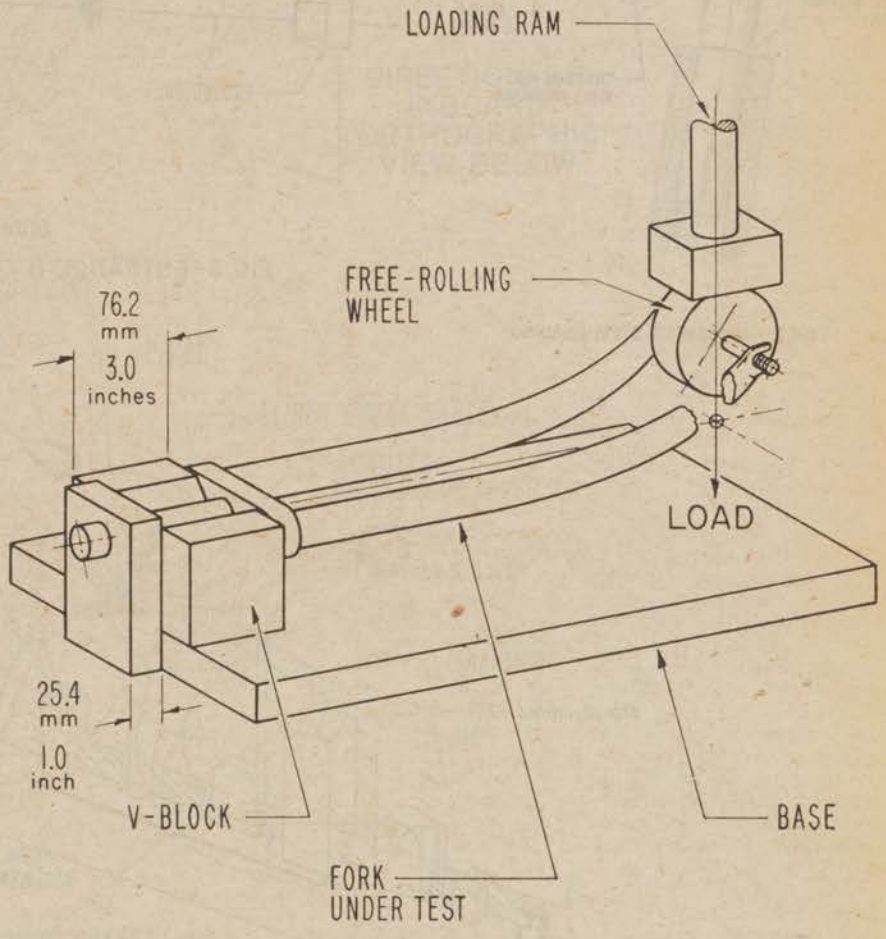


FIG 1-BICYCLE FRONT FORK CANTILEVER BENDING TEST RIG

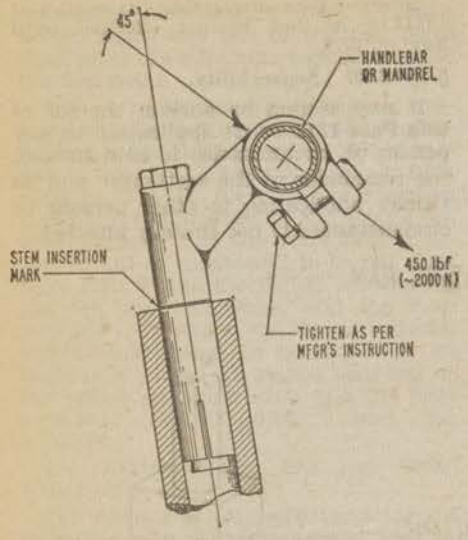
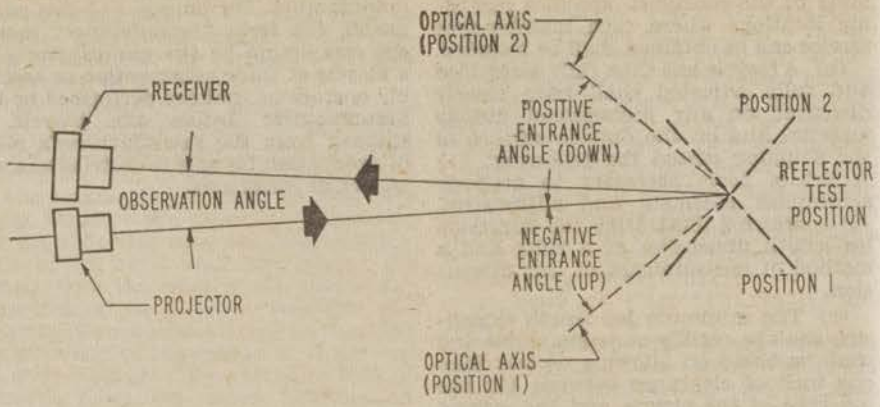


FIG 2—HANDLEBAR STEM LOADING



Side View

FIG. 3—ENTRANCE & OBSERVATION ANGLES

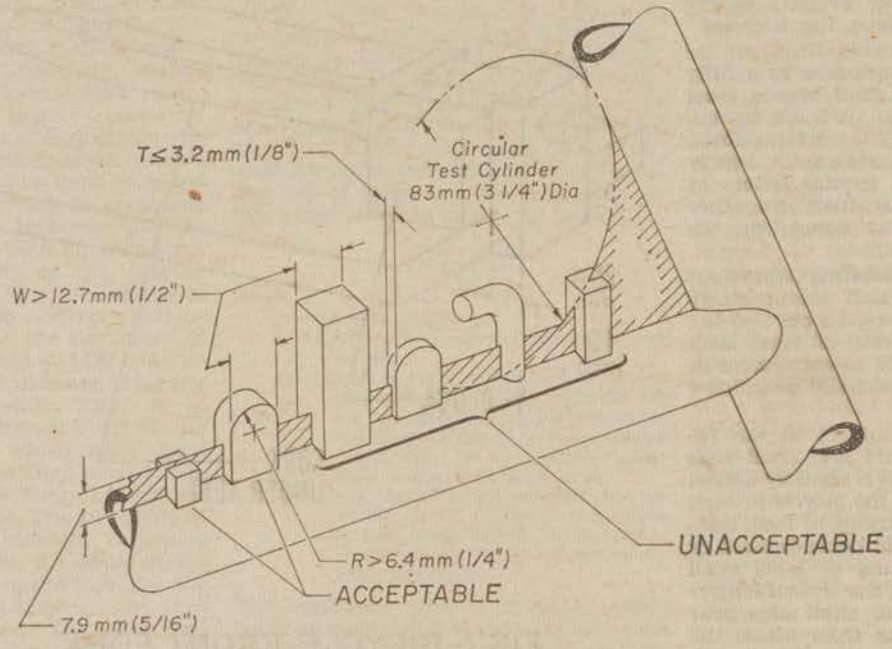


FIG 4—TYPICAL PROTRUSION EXAMPLES

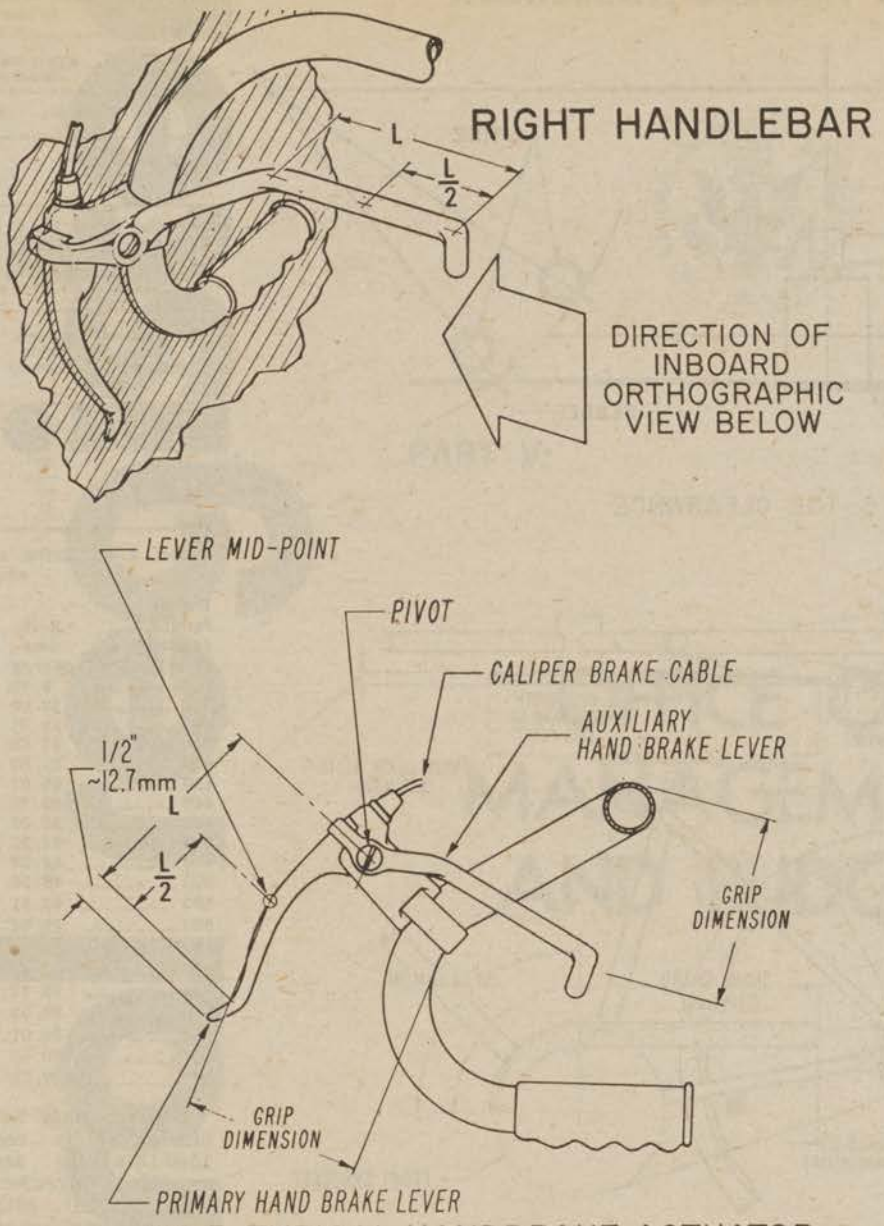


FIG. 5-TYPICAL HANDBRAKE ACTUATOR SHOWING GRIP DIMENSION

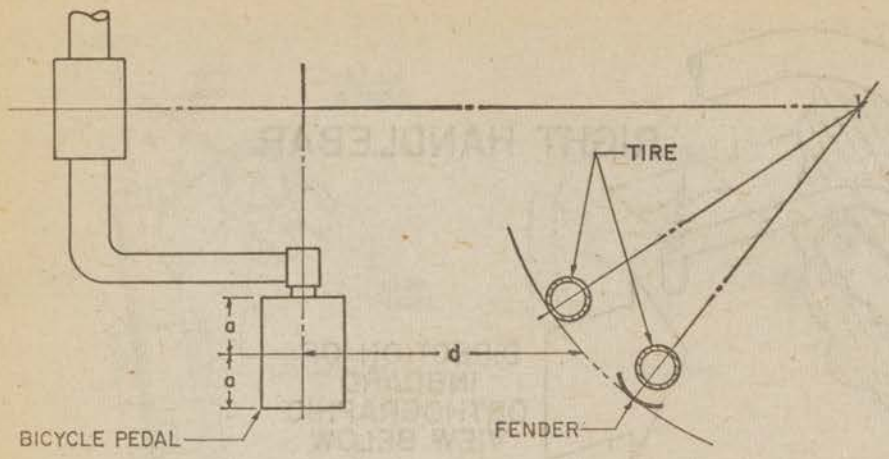


FIG 6-TOE CLEARANCE

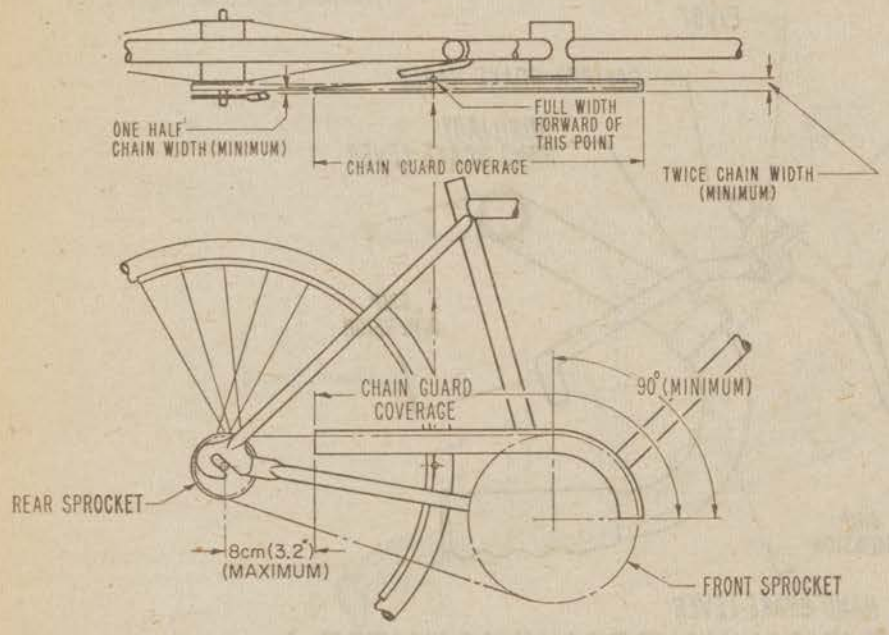


FIG 7-CHAIN GUARD REQUIREMENTS

TABLE 1.—*Minimum candlepower per incident foot-candle for clear reflector* [1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees			Pedal reflectors; entrance angle in degrees		
	0	10 up/down	20 left/right	0	10 up/down	20 left/right
0.2	27.0	18.0	9.0	7.5	6.0	3.0
.3				6.0	4.8	2.4
1.5	.28	.20	.12	.28	.20	.12

[1] Amber values shall be 5/6×clear values. Red values shall be 1/4×clear values.

TABLE 2.—*Minimum candlepower per incident foot-candle for clear reflector* [1]

Observation angle	Front, rear, and side reflectors; entrance angle in degrees		
	30 left/right	40 left/right	50 left/right
0.2	8.0	7.0	6.0
1.5	.12	.12	.12

[1] Amber values shall be 5/6×clear values. Red values shall be 1/4×clear values.

TABLE 3.—*Minimum acceptable values for the quantity A defined in the retroreflective tire test procedure*

Observation angle (degrees)	Entrance angle (degrees)	Minimum acceptable value of A	
		Meters	Feet
0.2	−4	2.2	7.25
.2	20	1.9	6.27
.2	40	1.3	4.29
1.5	−4	.22	.73
1.5	20	.19	.63
1.5	40	.13	.43

TABLE 4.—*Relative energy distribution of sources*

Wavelength (nanometers)	*Relative energy*	*Wavelength (nanometers)*	*Relative energy*
380	9.79	580	114.44
390	12.09	590	121.73
400	14.71	600	129.04
410	17.68	610	136.34
420	21.00	620	143.62
430	24.67	630	150.83
440	28.70	640	157.98
450	33.09	650	165.03
460	37.82	660	171.96
470	42.87	670	178.77
480	48.25	680	185.43
490	53.91	690	191.93
500	59.86	700	198.26
510	66.06	710	204.41
520	72.50	720	210.36
530	79.13	730	216.12
540	85.95	740	221.66
550	92.91	750	227.00
560	100.00	760	232.11
570	107.18		

Effective date. Set forth above are the bicycle safety regulations (16 CFR 1500.18(a)(12) and Part 1512) as amended November 13, 1975 (40 FR 52815, 52828), with minor corrections and editorial changes. As previously stated, these regulations shall become effective May 11, 1976, except for §§ 1512.5 (c)(3), 1512.9(a), and 1512.18 (e) and (f), which shall become effective November 13, 1976.

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89 (15 U.S.C. 1261, 1262))

Dated: December 23, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-2464 Filed 1-27-76;8:45 am]

federal register

WEDNESDAY, JANUARY 28, 1976

PART V:

OFFICE OF MANAGEMENT AND BUDGET

■

Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

To the Congress of the United States:

I herewith propose, in connection with the transmittal of my 1977 budget, actions that would reduce Federal spending by more than half a billion dollars over this fiscal year and the two following. These proposals reflect the priorities in my new budget—a reduced rate of growth in Federal spending and choices that seek fairness and balance within that restrained growth.

I am proposing—in accordance with the Impoundment Control Act of 1974—16 new rescissions that total $924 million and reporting six new deferrals of $1,858 million in budget authority. I am also revising—by a net $14 million—the amounts for three rescission proposals now pending before the Congress and increasing by $19 million a deferral previously reported.

The details of the proposed rescissions and deferrals are contained in the attached reports. Further information on each of the rescissions proposed by this message and others pending before the Congress is included in Part III of the appendix to the 1977 budget.

Gerald R. Ford

THE WHITE HOUSE,
January 23, 1976.

SUMMARY OF PROPOSED RESCISSIONS
AND DEFERRALS
(In thousands of dollars)

Rescission #	Item	Budget Authority
	Agriculture:	
	Agriculture Stabilization and Conservation Service	
R76-17A	Forestry incentive program	18,750
	Farmers Home Administration	
R76-19A	Rural development grants	12,344
R76-29	Rural housing insurance fund	500,000
	Food and Nutrition Service	
R76-30	Special milk program	40,000
	Commerce:	
	Economic Development Administration	
R76-31	Economic development assistance programs	4,000
	Corps of Engineers - Civil:	
R76-32	Construction, general	3,600
	Health, Education, and Welfare:	
	Health Services Administration	
R76-33	Health services	127,804
R76-34	Indian health service	5,294
	Center for Disease Control	
R76-35	Preventive health services	7,690
	Alcohol, Drug Abuse and Mental Health Administration	
R76-36	Alcohol, drug abuse and mental health	56,500
	Health Resources Administration	
R76-37	Health resources	69,000
	Office of Education	
R76-9A	Elementary and secondary education	210,404
R76-38	Indian education	15,000
R76-10A	School assistance in federally affected areas	243,773
R76-39	Assistant Secretary for Human Development	2,000
	Interior:	
	Bureau of Land Management	
R76-40	Public lands development roads and trails	8,800
	National Park Service	
R76-41	Road construction	58,500
	State:	
R76-42	Mutual education and cultural exchange activities	8,000

2

Rescission #	Item	Budget Authority
	Other Independent Agencies:	
	Community Services Administration	
R76-43	Community services program.....	2,500
	Consumer Product Safety Commission	
R76-27A	Salaries and expenses.....	6,431
	Selective Service System	
R76-44	Salaries and expenses.....	1,775
	Subtotal, rescissions.....	1,402,165
Deferral #		
	Agriculture:	
	Soil Conservation Service	
D76-95	Watershed and flood prevention.....	18,000
	Corps of Engineers - Civil:	
D76-96	Revolving fund.....	700
	Health, Education, and Welfare:	
	Health Services Administration	
D76-97	Indian health facilities.....	13,908
	Justice:	
	Law Enforcement Assistance Administration	
D76-98	Salaries and expenses.....	15,00
	Labor:	
	Employment and Training Administration	
D76-99	Advances to the unemployment trust fund and other funds.....	1,800,000
	State:	
	Refugee and Migration Affairs	
D76-85A	Special assistance to refugees from Cambodia and Vietnam.....	28,493
	Treasury:	
	Office of the Secretary	
D76-25D	State and local government fiscal assistance trust fund.....	95,017*
	Other Independent Agencies:	
	National Science Foundation	
D76-100	Salaries and expenses.....	10,000
	Subtotal, deferrals.....	1,981,118
	Total, rescissions and deferrals.....	3,288,266

(Budget authority)
95,017
(Outlays)

*Deferral of outlays only.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Tenth special message:		
New items	910,463	1,857,608
Changes to amounts previously submitted	14,011	19,161
Effect of the tenth special message	924,474	1,876,769
Previous special messages	2,402,240	4,514,675
Total amount proposed in special messages	3,326,714 (in 44 rescission proposals)	6,391,444 (in 100 deferrals)

NOTE: All amounts listed represent budget authority except for $106,850,352 consisting of two general revenue sharing deferrals (of outlays only). A supplementary report (D76-25D) is included in this special message for one of these deferrals. The other deferral (D76-67) was reported in the seventh 1976 special message.

R76-17A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary report updates rescission proposal No. R76-17 transmitted to Congress on November 29, 1975, and printed as House Document No. 94-311 and Senate Document No. 94-137.

This report covers the Department of Agriculture's Forestry incentives program. The outlay savings resulting from this rescission are now expected to develop sooner than previously estimated. Accordingly, the transition quarter outlay savings have been increased by $1.5 million and those for 1977 by $2.3 million.

Rescission Proposal No: R76-17A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture Bureau Agricultural Stabilization and Conservation Service Appropriation title & symbol Forestry Incentives Program-1976 - 12X3336	New budget authority (P.L._____) Other budgetary resources Total budgetary resources Amount proposed for rescission (See coverage section below)
OMB identification code: 05-60-3336-0-1-302 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other_____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other_____

Coverage

	Fiscal Year 1976		Transition Quarter	
	Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
New budget authority (P.L. 94-122).....	15,000,000	15,000,000	3,750,000	3,750,000
Other budgetary resources.....	9,280,771	_____	---	_____
Total budgetary resources.....	24,280,771	15,000,000	3,750,000	3,750,000

Justification

Rescission of the $15,000,000 FY 1976 appropriations and the $3,750,000 transition quarter appropriation would discontinue this program which was first authorized by Section 1009 of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86). The program provides cost-sharing to landowners for the purpose of stimulating long-term sawtimber production on private nonindustrial lands.

There is serious doubt as to whether the national benefits derived from investments in this kind of program justify the expenditure of scarce national resources for its funding. Moreover, it is not clear that landowners would not invest their own capital if Federal cost-sharing

were not available. The program would be far more justifiable if there were a mechanism through which the Federal Government could regain its investment at the time the timber products were marketed just as the landowner regains his. In this case, however, the landowner not only realizes a profit on his investment; but he also realizes a profit on the government's portion of the investment.

Estimated Effects

The Forestry Incentives Program can be terminated with little, if any, adverse impact on the Nation's capability to produce forestry products. Even without cost-sharing, technical assistance and advice would still be available to owners of such lands who wished to carry out tree planting, stand improvement, etc., at their own expense based on their assessment that such an undertaking is a sound economic investment.

*Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):

1. Without rescission	20.3
2. With rescission	10.9
3. Current outlay savings (line 1 - line 2)	9.4
Outlay Savings for the Transition Quarter	2.8*
Outlay Savings for 1977	5.3*
Outlay Savings for 1978	14.0

* Revised from previous estimate.

R76-17A

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Forestry Incentives Program

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $15,000,000 for the fiscal year ending June 30, 1976, and in the amount of $3,750,000 for the period July 1, 1976, through September 30, 1976.

R76-19A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message updates rescission proposal No. R76-19 transmitted to Congress on November 29, 1975, and printed as House Document No. 94-311 and Senate Document No. 94-137.

This report covers Rural development grants administered by the Department of Agriculture. It revises the estimated savings that would result from approval of the rescission by +$.1 million in 1976, +$.4 million in the transition quarter, and -$2.6 million in 1977. Outlay savings for 1978 are estimated at $5.2 million.

Rescission Proposal No: R76-19A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. _____)
Bureau Farmers Home Administration	Other budgetary resources
Appropriation title & symbol	Total budgetary resources (See coverage section below)
Rural Development Grants 1262065	Amount proposed for rescission
OMB identification code: 05-75-2065-0-1-452	Legal authority (in addition to sec. 1012). ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$11,875,000	$9,375,000	$2,969,000	$2,969,000
(P.L. 94-122)		(P.L. 94-122)	

JUSTIFICATION

This program supplements business and industrial loans made in rural areas for the purpose of improving, de loping, or financing business, industry, and employment and improving the economic and environmental climate in rural communities.

Loan funds are available for these same purposes at reasonable interest rates and terms through the community facilities loan program of the Department of Agriculture. To avoid duplication of programs and the costs associated with such duplication, the rescission of $12,344,000 in 1976 and the transition quarter is proposed.

Estimated Effects

The elimination of this program will have a minimum effect on the rural economy since funds are available from the community facilities loan program and from other sources to fund necessary projects.

R76-19A
2

* Outlay Effect (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with 1977 budget):

1. Without rescission	10.0
2. With rescission	9.2
3. Current outlay savings (line 1 - line 2).	.8
Outlay savings for the transition quarter	.8
Outlay savings for 1977	3.4
Outlay savings for 1978	5.2

*Revised from previous estimate.

R76-19A

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Development Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $9,375,000 for the fiscal year ending June 30, 1976, and in the amount of $2,969,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-29

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-157) $500,000,000
Bureau Farmers Home Administration	Other budgetary resources 2,716,000,000
Appropriation title & symbol	Total budgetary resources 3,216,000,000
Rural Housing Insurance Fund 12X4141	Amount proposed for rescission by means of this report 1/ $500,000,000
OMB identification code: 05-75-4141-0-3-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☐ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☒ Other Loan authority

Justification

The $500 million in additional authority for insured loans provided by P.L. 94-157 2/ is recommended for rescission for the following reasons:

(1) The $2,716 million provided in the Agriculture and Related Agencies Appropriation Act, 1976, is already $574 million more than the amount requested by the President and is considered more than adequate to handle the housing needs of qualified applicants.

(2) The additional $500 million would result in ultimate interest subsidies of $466 million over the life of these loans if the amount is apportioned to subsidized and unsubsidized loans on the basis of current program levels. If these loans are made entirely as subsidized loans, the interest subsidies could be as high as $800 million.

(3) The Department of Housing and Urban Development has announced that the HUD section 235 interest credit program was resumed on January 1, 1976. This program will provide the financing for approximately 250,000 units. Many families that would ordinarily use the HUD section 235 program have been coming to Farmers Home Administration for funding. Reinstatement of the HUD section 235 program will decrease the demand for FmHA loans.

1/ Rescission of $10 million of the $2.7 billion in "other budgetary resources" was proposed in R76-23, transmitted to the Congress on November 29, 1975.

2/ Supplemental Appropriations Act, 1976.

R76-29

2

(4) The additional funding would also increase government borrowing in the financial market resulting in pressure on interest rates and ultimately on cash outlays to the government.

(5) The Farmers Home Administration could not properly disburse the additional $500 million loan level in the last half of the year. The delinquency rate of outstanding Farmers Home rural housing loans is presently 23 percent. Available manpower needs to be committed to reducing this level of delinquency.

(6) The additional housing funding will adversely impact on the agency's ability to deliver other important programs such as community facility and farmer programs to rural America.

Estimated Effects

The effects of rescinding the $500 million in additional authority for insured loans are considered negligible since the HUD section 235 interest credit program will be available to provide some of the financing required for housing units in rural areas.

Outlay Effect (estimated in millions of dollars):

Current Outlay Estimates for 1976 (consistent with the 1977 budget):

1. Without rescission	-0-
2. With rescission	-0-
3. Current outlay savings (line 1 - line 2)	-0-
Outlay savings for transition quarter	-0-
Outlay savings for 1977	14.0
Outlay savings for 1978	30.0

R76-29

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Housing Insurance Fund

The amounts provided under this head in the Supplemental Appropriation Act, 1976, are rescinded in the amount of $500,000,000.

Rescission Proposal No: R76-30

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122, 94-157) $144,000,000
Bureau Food and Nutrition Service	Other budgetary resources —
Appropriation title & symbol Special Milk Program 1263502	Total budgetary resources 144,000,000
	Amount proposed for rescission $ 40,000,000
OMB identification code: 05-84-3502-0-1-604	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Special milk program is designed to encourage the consumption of fluid whole milk by school-age and younger children.

The scope of the program has been expanded from 10 million initial recipients in 1954 to 25 million in 1976. The rescission is proposed because the program now overlaps others aimed at ensuring that children receive adequate nutrition. More than 90 percent of all schools participating in the Special milk program also participate in either the National school lunch program or the School breakfast program or both.

Estimated effects

The rescission will result in termination of this program on March 4, 1976. The impact on the nutrition of children will be insignificant. Milk production and prices will be virtually unchanged. One of the early objectives of the program, to ameliorate the marketing crisis facing the Nation's dairy industry in the mid-50's, has long since been achieved.

Outlay Effect (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with 1977 budget):

1. Without rescission	144.0
2. With rescission	104.0
3. Current outlay savings (line 1 - line 2)	15.3
Outlay savings for the transition quarter	24.7
Outlay savings for 1977	0
Outlay savings for 1978	0

R76-30

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Milk Program

Appropriations provided under this head in the Supplemental Appropriations Act, 1976, are rescinded in the amount of $40,000,000.

Rescission Proposal No: R76-31

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority
Bureau Economic Development Administration	Other budgetary resources
Appropriation title & symbol Economic development assistance programs 1362050 (Planning (III))	Total budgetary resources Amount proposed for rescission — See Coverage Section Below
OMB identification code: 06-10-2050-0-1-452	Legal authority *(in addition to sec. 1012):* ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ *(expiration date)* ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Coverage

	Fiscal Year 1976		Transition Quarter	
	Budgetary resources	Proposed rescission	Budgetary resources	Proposed rescission
Public Law 94-121	360,000,000	3,000,000	89,625,000	1,000,000

Justification

The 1976 appropriation for the Economic Development Administration would permit funding for about 57 economic development districts not now receiving Federal assistance. The funding would support planning activities of the districts. This proposed rescission would rescind the funds provided for additional districts. The President's 1977 Budget similarly requests funding only to continue the district planning effort at its current level. It would be inappropriate to expand the share of EDA funds going for this planning and administrative infrastructure when the available resources should be used to implement existing redevelopment plans and more effectively utilize the capabilities of established districts. An increase in the number of planning districts might lead to an undesirable dissipation of development resources and create unrealistic expectations regarding the future availability of development funds.

Estimated Effects

The $4 million proposed for rescission would have funded approximately 57 districts which have received no previous EDA planning support. EDA is continuing support of 144 economic development districts. The proposed rescission will not affect any programs now being funded by the Government.

R76-31

Outlay Effect (estimated in millions of dollars):

Current Outlay Estimates for 1976 (consistent with the 1977 budget):	
1. Without rescission	269.6
2. With rescission	268.6
Current outlay savings (line 1 - line 2)	1.0
Outlay Savings for the Transition Quarter	1.0
Outlay Savings for 1977	2.0
Outlay Savings for 1978	0

R76-31

DEPARTMENT OF COMMERCE

Economic Development Administration
Economic Development Assistance Programs

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1976, are rescinded in the amount of $3,000,000 for the fiscal year ending June 30, 1976, and in the amount of $1,000,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R 76-34

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Army	*See coverage Section Below New budget authority (See (P.L. _____) Other budgetary resources Total budgetary resources Coverage
Bureau Corps of Engineers, Civil	
Appropriation title & symbol Construction, General Civil 96X3122	Amount proposed for rescission Section Below)
OMB identification code: 08-10-3122-0-1-301	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

	Fiscal year 1976		Transition Quarter	
	Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
PL.94-180	1,227,151,000	2,500,000	408,741,000	1,100,000
Other	75,320,562		43,453,000	
Total budgetary resources	1,302,471,562	2,500,000	452,194,000	1,100,000

Justification:

In action on the 1976 and transition quarter appropriations, Congress added $3.6 million for the completion of planning and the initiation of construction of Route 209 in Pennsylvania. This highway was scheduled to be relocated as part of the Tocks Island Lake project. The Tocks Island Lake project has been recommended for deauthorization by the Chief of Engineers, U.S. Army, and the relocation is no longer justified.

Estimated Effects

The existing Route 209 will continue in operation.

R76-32 2

Outlay Effect (estimated in millions of dollars):

Current outlay Estimate for 1976 (consistent with 1977 budget):

1. Without rescission	1203.8
2. With rescission	1203.6
3. Current outlay savings	.2
Outlay Savings for the Transition Quarter	.2
Outlay Savings for 1977	3.2
Outlay Savings for 1978	0

R 76-32

DEPARTMENT OF THE ARMY

Corps of Engineers, Civil

Construction, General

Appropriations provided under this head in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1976, are rescinded in the amount of $2,500,000 for the fiscal year ending June 30, 1976, and in the amount of $1,100,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-33

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare Bureau Health Services Administration Appropriation title & symbol Health Services 7560350 (See coverage section below)	New budget authority (P.L._____) Other budgetary resources Total budgetary resources Amount proposed for rescission See Coverage Section Below
OMB identification code: 09-15-0350-0-1-551 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage:

Program/Activity	Fiscal Year 1976 Total Budgetary Resources 1/	Fiscal Year 1976 Amount Proposed For Rescission	Transition Quarter Total Budgetary Resources 1/	Transition Quarter Amount Proposed for Rescission
Community Health Centers..	$196,648,000	$41,458,000		
Comprehensive Health Grants to States.....	90,000,000	22,500,000	$22,500,000	$22,500,000
Hypertension.....	3,750,000	3,750,000		
Family Planning.....	100,615,000	21,180,000		
Migrant Health.....	25,000,000	5,800,000		
National Health Service Corps.....	15,000,000	2,471,000	8,662,000	2,145,000
Home Health Services.....	3,000,000	3,000,000		
Hemophilia.....	3,000,000	3,000,000		
Total Affected by Rescission Proposals....	$437,013,000	$103,159,000	$31,162,000	$24,645,000
Total Not Affected by Rescission Proposals....	-0-	-0-	58,500,000	-0-
Total.....	$437,013,000	$103,159,000	$89,662,000	$24,645,000

1/ Public Law 94-157. The 1976 continuing resolution makes funds available until regular appropriations are enacted.

Justification and Estimated Effects:

Rescission of funds is proposed to (1) reduce the Federal responsibility for the direct delivery of health care, since such a responsibility is more appropriately a State and local function; (2) to hold 1976 spending at a level which requires an additional 20 percent in matching funds from States, localities, and private sources; and (3) to withdraw initial funding for new health service delivery programs.

Community Health Centers

Assuming a 20 percent match by State and local governments and increases in other third party reimbursements community health centers will serve approximately the same number of people as in 1975.

Comprehensive Public Health Grants to States

Funding for activities provided by this program are already made available through other Federal health services programs, e.g., programs for community health centers, maternal and child health, family planning, communicable disease control, laboratory improvement, and health education. If the proposed rescission is approved, the Comprehensive Health Grants to States program will be funded through the third quarter of FY 1976 at the $67.5 million level authorized by the continuing resolution, but will not be funded in the fourth quarter.

National Health Service Corps

In 1975, services were provided to 510,000 people in 180 communities in 40 States. In 1976, a total of 670,000 people will be served at 270 sites within the after-rescission level of $12.5 million plus $5 million in 1975 reprogrammed funds which will remain available for obligation through 1976. The proposed rescission of $4,616,000 will not adversely affect the number of persons served or the quality of medical care that the Corps has provided. A level of $17,529,000 and 551 field positions through the transition quarter would be provided if the rescission is approved. Approximately 75 of these allocated positions were unfilled as of September 30, 1975, indicating that it may be difficult to use further funds.

Home Health

A new narrow categorical program for Home health services would not be implemented, but the existing Federal Medicaid 1/ program would continue to provide such services.

Hemophilia

The recently authorized narrow categorical program to support hemophilia treatment centers and blood separation centers will not be implemented, but services to persons with hemophilia will continue under existing Federal programs such as Medicaid 1/, community health centers, and NIH-funded blood banks.

1/ Proposed to be succeeded, in 1977, by Financial Assistance for Health Care.

Hypertension

The narrow categorical programs for hypertension authorized by the Special Health Revenue Sharing Act of 1975 (P.L. 94-63) would not be implemented. Implementation of this program would duplicate ongoing efforts supported by existing State, local, and Federal programs. State health authorities currently receive--and would continue to receive if the proposed rescission is approved--Federal funds that are used to assist in screening, detection, diagnosis, prevention, and referral for treatment of hypertension. These funds are currently provided to States from existing Federal health programs such as the Early and periodic screening, diagnosis, and treatment program under Medicaid 1/ and the National high blood pressure education program administered by the National Institutes of Health.

Family Planning

The family planning program will provide services to approximately 2.2 million persons, the same number of persons as in 1975, provided State, local, and third-party funding increases are realized as proposed. Financing for family planning services is already required in Medicaid to needy individuals.

Migrant health

If the rescission is approved, Federal support will be continued for 97 projects that provide comprehensive medical services to migrants in the communities in which they live. Those States which are economically benefiting from the migrant labor force are expected to provide increased funding support to maintain standard health care for migrants.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with the 1977 budget):	
1. Without rescission	1,140.0
2. With rescission	1,121.1
3. Current outlay savings (line 1 - line 2)	18.9
Outlay Savings for the Transition Quarter	23.6
Outlay Savings for 1977	79.7
Outlay Savings for 1978	5.6

1/ Proposed to be succeeded, in 1977, by Financial Assistance for Health Care.

R76-33

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

HEALTH SERVICES

Appropriations provided under this head in the Supplemental Appropriations Act, are rescinded in the amount of $103,159,000 for the fiscal year ending June 30, 1976, and in the amount of $24,645,000 for the period July 1, 1976, through September 30, 1976.

Recission Proposal No: R76-34

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education & Welfare	New budget authority (P.L. 94-165) $ 274,835,000
Bureau Health Services Administration	Other budgetary resources 1,900,000
Appropriation title & symbol Indian Health Services 7560390	Total budgetary resources 276,735,000
	Amount proposed for rescission $ 5,294,000
OMB identification code: 09-15-0390-0-1-551	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

COVERAGE

Program/Activity	Total Budgetary Resources	Amount Proposed for Rescission
Indian Health Service		
Patient Care	$152,582,000	$ 609,000
Preventive Health and Ambulatory Care	120,806,000	4,685,000
Total Affected by Rescission Proposals	$273,388,000	$5,294,000
Total Budgetary Resources Not Affected by Rescission Proposals	3,347,000	---
Total	$276,735,000	$5,294,000

Justification and Estimated Effects

The 1976 President's budget contained a request for Indian Health Services of $269,541,000, an increase of $30 million over the comparable 1975 appropriation. This $30 million increase provided for all mandatory increases as well as program increases in hospital care, field medical services, and ambulatory care.

Funds appropriated for this program under the Department of Interior and Related Agencies Appropriation Bill of 1976, P.L. 94-165, include $5,294,000 to fund

R76-34

2

specific new and expanded outpatient care and preventive health care projects. Funding is also included to provide health care to non-reservation urban Indians who have available sources of health care, e.g., Medicare, Medicaid 1/, and community health services, from other Federal programs. Rescission of these amounts will not adversely affect the continued provision of high quality medical care to the Indian and Alaska native beneficiaries. The Indian Health Service would maintain the current level of contractual services and direct patient care would continue at the current operating level.

Rescission of these amounts would avoid both (1) new and expanded future commitments of Federal dollars for this program and (2) duplicative funding for similar services.

Outlay Effect (estimated in tenths of millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):	
1. Without rescission	266.0
2. With rescission	261.7
3. Current Outlay savings (line 1 - line 2)	4.3
Outlay Savings for the Transition Quarter	.3
Outlay Savings for 1977	.6
Outlay Savings for 1978	.1

1/ Proposed to be succeeded, in 1977, by Financial Assistance for Health Care.

D76-34

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

INDIAN HEALTH SERVICES

Appropriations provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976, are rescinded in the amount of $5,294,000 for the fiscal year ending June 30, 1976.

Rescission Proposal No: R76-35

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 94-157) $13,100,000
Bureau Center for Disease Control	Other budgetary resources 1/
Appropriation title & symbol Preventive Health Services 7560943	Total budgetary resources 13,100,000
(Project Grants-Rat Control)	Amount proposed for rescission $ 7,690,000
OMB identification code: 09-20-0943-0-1-553	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This rescission is being proposed because rat control is a sanitation activity and, as such, is essentially a local responsibility. The Federal rat control program is demonstration in nature, and many of the projects funded have now reached the point at which Federal support should end. Local governments can then decide whether or not to continue these activities.

Estimated Effect

The funding level remaining after the rescission would provide reduced Federal support to 50 of the existing 64 community rat control projects. A continuation of substantial categorical Federal funding will delay assumption of the legitimate responsibility of States and localities for rat control and other sanitation activities.

This proposal would place greater responsibility on grantees to maintain rat control activities. Existing grantees may utilize other sources of Federal funds to insure maintenance of current projects as categorical grants are reduced. During 1976, over $1 million will be received by rat control grantees under Title X of the Public Works and Economic Development Act (Job Opportunities Program). Block grant funds under the Department of Housing and Urban Development's Community Development Program are also available at State and local government discretion to help support rat control programs.

1/ The 1976 continuing resolution makes funds available until the enactment of regular appropriations.

R76-35

2

Outlay Effect (estimated in millions of dollars):

Current outlay estimates for 1976 (consistent with 1977 budget):	
1. Without rescission	158.0
2. With rescission	157.0
3. Current outlay savings (line 1 - line 2)	1.0
Outlay savings for the transition quarter	1.0
Outlay savings for 1977	5.0
Outlay savings for 1978	.7

R76-35

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control

PREVENTIVE HEALTH SERVICES

Appropriations provided under this head in the Supplemental Appropriations Act, 1976, are rescinded in the amount of $7,690,000.

Recission Proposal No: R76-36

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-157) $ 56,500,000
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 1/
Appropriation title & symbol Alcohol, Drug Abuse, and Mental Health 7561361	Total budgetary resources 56,500,000
	Amount proposed for rescission $ 56,500,000
OMB identification code: 09-30-1361-0-1-550	Legal authority *(in addition to sec. 1012)*: ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ *(expiration date)* ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

COVERAGE

Program/Activity	Total Budgetary Resources	Amount Proposed for Rescission
Community Mental Health Centers		
Operation	$24,000,000	$24,000,000
Consultation and Education	4,000,000	4,000,000
Conversion	20,000,000	20,000,000
Distress	4,000,000	4,000,000
Planning	1,500,000	1,500,000
Rape Prevention and Control	3,000,000	3,000,000
Total Budgetary Resources	$56,500,000	$56,500,000

This action does not affect funds included in the regular 1976 budget request to support continuation of projects initially funded under Community Mental Health Centers authority which expired on June 30, 1975.

JUSTIFICATION

This action covers funds appropriated under the Suppplemental Appropriations Act of 1976 (P.L. 94-157) for implementation of the Community Mental Health Centers Amendments of 1975 (P.L. 94-63). The amounts appropriated are proposed for rescission. The Administration requested no funds to extend and expand the community mental health center (CMHC) program because the

1/ The 1976 continuing resolution makes funds available until the enactment of regular appropriations.

Federal Government is adequately supporting community based mental health care throughout the nation. Over a period of eight years, it has supported 626 CMHCs. The States and localities can now finance the development and expansion of CMHCs where they are deemed appropriate to meet local mental health care needs. The general taxpayer should not be asked to support more CMHCs when some have been unable to gain the financial support of their community over eight years of operation. The awarding of new CMHC grants will commit the Federal Government to more years of supporting new CMHCs at a time when firm restraint over rising Federal expenditures is urgently needed.

ESTIMATED EFFECTS

Program/Activity	Estimated Number of New Awards Funded by Appropriated Funds	Rescission
Community Mental Health Centers.....	(193)	(---)
Operations.....	26	---
Consultation.....	36	---
Conversion.....	100	---
Distress.....	11	---
Planning.....	20	---
Rape Prevention and Control.....	NA	NA
Total.....	193	---

Operations (first year): A total of $24 million was appropriated to finance first-year community mental health center operations grants authorized by section 302(d)(1) of the Community Mental Health Centers Amendments of 1975 (P.L. 94-63). The appropriation would fund new awards. Thus, the proposed rescission would have no adverse effect on the 626 centers which have received Federal funds.

Consultation and education: An amount of $4 million was appropriated for consultation and education services to new centers authorized by part A, section 204(c) of the Community Mental Health Centers Act, as amended (P.L. 94-63). Consultation and education services are already being made available by community mental health centers with existing Federal, State, and local resources. Therefore, the withdrawal of separate and special support for this activity will not prove programmatically disruptive.

Conversion: A total of $20 million was appropriated to meet additional costs associated with converting to the more comprehensive community mental health center service requirements set forth in section 201(b)(1) of the Community Mental Health Centers Act, as amended (P.L. 94-63). The law allows two years for conversion of the centers (part A, section 205(c) of the Community Mental Health Centers Act, as amended (P.L. 94-63)) and the Administration believes that this time should be used, if necessary, by the centers to determine whether some activities can be eliminated or reduced to permit initiation or expansion of newly-mandated activities. In addition, two years provide the centers ample time to find financial support for new services or new opportunities for utilizing other existing community resources for the additional services.

Distress: The Community Mental Health Centers Act, as amended (P.L. 93-63) (part B section 213) authorized financial distress grants to centers whose Federal staffing support is terminating if, without this reduction in, the types or quality of services required under the new Act. A total of $4 million was appropriated. There is no firm evidence that an additional year of Federal financing will enable these centers (which have already received eight years of Federal support without achieving self-sufficiency) to develop necessary funds from alternate sources.

Planning: Part A, section 202(d) of the Community Mental Health Centers Act, as amended (P.L. 93-63) authorized funds for grants to assess the need for health services in a community, design a center based upon such an assessment, assemble financial and professional assistance and support for the proposed center program, and initial and encourage continuing community involvement in development and operation of the program. A total of $1.5 million was appropriated, presumably in anticipation of Federal operating support for new CMHCs. The proposed rescission of these funds is consistent with a policy of not funding new CMHCs and expanding the Federal funding commitments.

Rape prevention and control: Funds in the amount of $3 million were appropriated for grants and contracts in support of research, demonstration, training, consultation, education, and information services relating to rape prevention and control as authorized by part D section 231 of the Community Mental Health Centers Act, as amended (P.L. 93-63). The entire amount is proposed for rescission. Within the 1976 research request for the National Institute of Mental Health, an adequate level of rape-related research can be funded. In addition, a wide range of rape prevention demonstration programs are being supported by law enforcement funds.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976: (consistent with 1977 budget)	
1. Without rescission	$827.1
2. With rescission	824.1
3. Current outlay savings (line 1 - line 2)	3.0
Outlay Savings for the Transition Quarter	10.2
Outlay Savings for 1977	32.5
Outlay Savings for 1978	10.8

R76-36

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Appropriations provided under this head in the Supplemental Appropriation Act, 1976, are rescinded in the amount of $56,500,000 for the fiscal year ending June 30, 1976.

Rescission Proposal No: R76-37

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L.) — See
Bureau Health Resources	Other budgetary resources
Appropriation title & symbol: Health Resources 7560712	Total budgetary resources — Coverage
See coverage section below	Amount proposed for rescission — Section Below.
OMB identification code: 09-35-0712-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

COVERAGE

Program Activity	Fiscal Year 1976 Budgetary Resources 1/	Fiscal Year 1976 Proposed Rescission	Transition Quarter Budgetary Resources 1/	Transition Quarter Proposed Rescission
Nursing				
Institutional Assistance				
Capitation grants	$44,000,000	$44,000,000	$ --	$ --
Advanced training project grants	2,000,000	1,000,000	--	--
Nurse practioners	3,000,000	1,000,000	--	--
Student Assistance				
General scholarships	2,000,000	2,000,000	2,000,000	2,000,000
Traineeships	13,000,000	13,000,000	--	--
Loans	6,000,000	6,000,000	--	--
Total Affected by Rescission Proposals	$70,000,000	$67,000,000	$2,000,000	$2,000,000
Total Not Affected by Rescission Proposals	15,000,000	--	4,000,000	--
Total	$85,000,000	$67,000,000	$6,000,000	$2,000,000

1/ P.L. 94-157.

JUSTIFICATION AND ESTIMATED EFFECTS

If the rescissions described below are accepted, $19 million will still be spent specifically for nursing activities in 1976 and the transition quarter. In addition, nursing students and institutions receive support from other non-categorical HEW programs.

Nursing, Institutional Assistance:

Capitation grants. A rescission of $44 million is proposed for nursing capitation grants. The original basis for this type of Federal subsidy was to stimulate schools to expand enrollments in response to the problem of an overall nurse shortage in the 1960's. Enrollments in collegiate and associate nursing degree schools increased by 91% between 1970 and 1975, from 94,951 to 180,403 students. Moreover, there is an adequate overall supply of nurses currently estimated at over 1.1 million. Today the problem with the delivery of nursing services is more one of maldistribution and utilization patterns of nurses. This is more effectively addressed through the use of special projects, as proposed in the 1976 budget. Special projects are more able to encourage better distribution and utilization than are capitation grants that tend to subsidize the existing levels of institutional operating costs. More importantly, to single out nursing for special Federal subsidies not available to other undergraduate fields presents a serious inequity. Approximately 1,090 capitation awards which average $284 per student would not be made if these funds were rescinded.

Nursing, Special Projects:

Advanced training project grants. The advanced nurse training program would be a new program to develop graduate level nurse training programs. This prolongation of nurse training conflicts with the priority need to place nurses into the delivery of service, particularly in underserved areas. A limited $1 million development program (five projects) would still be funded if the rescission were approved, but five additional projects would not be funded.

Nurse practitioners. A rescission is proposed for $1 million of the $3 million appropriated for the nurse practitioner program. The $2 million originally requested is sufficient for the essential grants and contracts in fiscal year 1976. The after-rescission funding level would support ten projects. Five additional projects would not be awarded if the rescission is approved.

Nursing, Student Assistance:

General scholarships. As indicated above, the number of nurses has steadily increased over the years. Scholarship support is no longer required to generate an expanded enrollment in nursing schools. Further, student support should be on the basis of student financial need, not educational curriculum. All undergraduate students, including nursing students, are eligible for Federal Basic Opportunity Grants which are awarded on the basis of financial need. The budget request would provide continued funding of 4,000 scholarships in both 1976 and the transition quarter. Approximately 2,000 new nursing scholarships would not be awarded in 1976 and the transition quarter under the rescission.

R76-37

3

Traineeships. A rescission of $13 million is proposed for nurse traineeships. Traineeships are awarded to encourage students to seek advanced degrees beyond the initial nursing degree. Subsidizing such additional graduate training conflicts with the need to attract more nurses into delivery of health care services as quickly as possible. Furthermore, it is the intent of the Administration that Federal financing of student aid should be on a "needs test" basis. These traineeships are awarded without regard to financial need. The student loan guarantee program has such a test and is available to graduate nursing students. The $13 million proposed for rescission would support approximately 3,300 students.

Loans. As indicated above, the number of nurses has steadily increased over the years. Special loan support is no longer required to generate an expanded enrollment in nursing schools. Needy nursing students should compete with all other needy undergraduate students for guaranteed student loans. As mentioned above, to single out this group of undergraduate students solely on the basis of the curriculum is inequitable. If the rescission is accepted, the remaining levels would provide continued funding of 11,250 loans. The funds proposed for rescission would permit funding of an additional 7,500 new nursing loans.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with the 1977 budget):

1. Without rescission	1,187.5
2. With rescission	1,163.2
3. Current outlay savings (line 1 - line 2)	24.3
Outlay Savings for the Transition Quarter	10.5
Outlay Savings for 1977	26.1
Outlay Savings for 1978	-0-

R76-37

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Health Resources

Appropriations provided under this head in the Supplemental Appropriations Act, 1976, are rescinded in the amount of $67,000,000 for fiscal year ending June 30, 1976, and in the amount of $2,000,000 for the period July 1, 1976, through September 30, 1976.

R76-9A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates rescission proposal R76-9 transmitted to Congress on November 18, 1975, and printed as House Document No. 94-309.

The report revises information submitted earlier on bilingual education activities funded through the Elementary and secondary education account in the Department of Health, Education, and Welfare. The amount proposed for rescission for Bilingual Education has been reduced by $10,000,000. The change reflects the need to have amounts available in fiscal year 1976 in closer conformity with fiscal year 1975 obligations in order to continue existing commitments.

Rescission Proposal No: R76-9A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Dept. of Health, Education, & Welfare	New budget authority (P.L. 94-94): $2,425,791,852
Bureau: Office of Education	Other budgetary resources:
Appropriation title / symbol:	Total budgetary resources: 2,425,791,852
Elementary and Secondary Education 75X0279 75X/70279 75X0279	Amount proposed for rescission: $ 210,403,852*
OMB identification code: 09-40-0279-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: [X] Yes ☐ No	
Type of account or fund: [X] Annual ($178,770,000) [X] Advance ($2,234,521,852) 7/1/76-9/30/77 (expiration date) [X] No-year ($12,500,000)	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other

PROGRAMS AND ACTIVITIES AFFECTED BY PROPOSED RESCISSIONS

Program/Activity	Total Budgetary Resources	Amount Proposed for Rescission
Grants for the disadvantaged		
Advance for transition quarter and 1977	$2,050,000,000	$150,000,000
Support and innovation grants		
Advance for transition quarter and 1977	184,521,852	11,633,852
Bilingual education	97,770,000	17,770,000*
Right to read	17,000,000	5,000,000
Follow through	59,000,000	17,500,000
Environmental education	3,000,000	3,000,000
Educational braodcasting	12,500,000	5,500,000
Total Affected by Rescission Proposals	2,423,791,852	210,403,852*
Total Budgetary Resources Not Affected by Rescission Proposals	2,000,000	---
Total	2,425,791,852	210,403,852*

*Revised from previous submission.

R76-9A
3

JUSTIFICATION AND ESTIMATED EFFECTS

Grants for the disadvantaged (Advance for 1977)

Even with the proposed rescission of $150,000,000, the program would be funded at the 1976 level. Latest reports from the Office of Education indicate that the States have not yet spent nearly $1,000,000,000 in funds obligated from prior year appropriations for this program. These unexpended funds and growing State efforts for the disadvantaged indicate that a constant level of Federal support will not adversely affect these activities.

If the rescission is approved, grants to local educational agencies for programs to meet the special needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families will be changed from about $1,727,770,000 to approximately $1,579,271,000. Allocations to some 13,200 local school districts will be changed proportionately, as required by the formula, by marginal amounts, but no school district will receive less than 85 percent of its prior year allocation, the minimum authorized by statute. The number of children served will remain at 4,725,000, although the amount spent per child will be reduced by $31, from $365 to $334. The remaining change of about $1,500,000, will be made in the State administration portion of the program.

Support and innovation grants (Advance for 1977)

The 1976 budget proposed an amount of $172,888,000 for this newly consolidated program. The Congress provided an additional amount of $11,633,852 and a "hold harmless" provision to insure that no State wuld receive less from this program in 1977 than it had in 1974 from the individual programs comprising the consolidation. The proposed rescission would mean that the new formula approved by Congress in the 1974 Education Amendments, which is based on shifts in the recipient population, would be followed. Thus, funds would be available for the intended services, but they would not be available merely to maintain former levels of payment. It would delete the "hold harmless" provision and rescind the additional amount appropriated. As a result, 32 States would receive less money in 1977 than they received in 1976 for this program and 29 States would receive less money in 1977 than they received in 1974.

Bilingual education*

If approved, this rescission would establish a level for this program that recognizes State and local primary responsibility to provide support for these programs. The Federal Government's role is one of demonstration and "capacity building" by funding activities such as training, curriculum development, and dissemination.

The $17,770,000* proposed for rescission would be distributed as follows: (1) A reduction of $8,935,000* would be made in demonstration activities. This would reduce the number of projects which would be supported from 400* to 323*. Of these projects, the number of anticipated new starts would be reduced from about 148* to about 71*. (2) A reduction of $6,035,000* would be made for training activities ranging from inservice training associated with demonstrations to graduate level training of teacher trainers. This would reduce the number of training participants from 35,000* to 29,500*. Aid will not be terminated as a result of this rescission for anyone currently receiving assistance. (3) A reduction of $2,800,000, would be made for bilingual-vocational training, thus terminating support for this activity. At the appropriation level, about 20 new bilingual-vocational training projects would be supported.

Right to read

An effective demonstration program can be carried out at the $12 million level. Other programs (e.g., title I of the Elementary and Secondary Education Act) provide large sums for other reading programs. Thus, rescission of the $5 million increase over the 1975 level is proposed.

*Revised from previous submission.

The proposed rescission level would affect three of four different components of the Right to read program. The number of Part A reading improvement demonstration projects would be reduced by 75, from 225 to 150. The number of reading academies funded would be reduced by about 23, from 80 to 57. The amount of Right to read funds contributed to the annual evaluation would be reduced by $50,000, from $170,000, to $120,000.

Follow through

Follow through is an experimental compensatory education program designed to test and validate effective approaches to the education of disadvantaged children in early primary grades (kindergarten through grade 3). The 1976 budget reflects plans proposed in 1974 to phase out this program upon successful completion of experimental objectives and in coordination with an extensive evaluation to identify the most successful approaches. The proposed rescission of $17.5 million would begin the phase out of the Federal program. Successful approaches can be incorporated in regular State and locally-funded programs.

If the rescission is approved, no new entering class will be supported in school year 1976-77. This will result in a saving of $12,000,000. In addition, 20 of the 169 existing sites will be terminated, resulting in a saving of $5,500,000. It is anticipated that these 20 sites will either not reapply for or may not warrant continued support. Under the appropriation, enrollment of 78,000 children would be funded by the Federal government. Under the proposed level after the rescission, 55,000 enrollments would be funded.

Environmental education

The 1976 budget requested no funds for this program in 1976. The Congress added $3 million which would fund about 90 new projects. No continuation projects were requested or funded.

The proposed rescission of $3 million would terminate the program. The objectives of this program, to alert the public to environmental issues and to stimulate non-Federal efforts in this area, have been achieved. School districts that wish to continue a program for environmental education may do so out of other Federal or non-Federal funds.

Educational broadcasting facilities

Rescission of the proposed $5.5 million would result in a funding level of $7 million for the 1976 program. At this level, about 81 percent of the U.S. population would receive educational television coverage and about 68 percent of the population would receive public radio coverage. An additional $5.5 million--an increase of nearly 80 percent--would extend both ETV and public radio coverage to less than one percent more of the population.

The proposed rescission of $5.5 million for this program would mean that an estimated 35 new projects could be supported, as compared to about 58 new projects at the $12.5 million appropriated level. The rescission would defer efforts to provide public radio and television broadcasting services in about 15 communities. The upgrading of noncommercial broadcasting facilities in 21 communities would also be deferred.

R76-9A

-5-

*Outlay Effect: (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with the 1977 budget)	
1. Without rescission	$2,295.9
2. With rescission	2,290.6*
3. Current outlay savings (line 1 - line 2)	5.3*
Outlay Savings for the Transition Quarter	13.5*
Outlay Savings for 1977	110.0*
Outlay Savings for 1978	55.0*

---

* Revised from previous submission.

R76-9A
6

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
ELEMENTARY AND SECONDARY EDUCATION

Appropriations under this head for the fiscal year 1976 are rescinded in the following amounts:

$150,000,000 for title I, part A and $11,633,852 for title IV, part C of the Elementary and Secondary Education Act, which was to become available for obligation on July 1, 1976; $14,970,000 for title VII of the Elementary and Secondary Education Act; $5,000,000 for title VII of the Education Amendments of 1974; $17,500,000 for part B of the Head Start-Follow Through Act; $3,000,000 for the Environmental Education Act; $5,500,000 for part IV of title III of the Communications Act of 1934; $2,800,000 for part J of the Vocational Education Act.

The last proviso under this heading in P.L. 94-94 is deleted.

Recission Proposal No: R76-38

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 94-165) $ 57,055,000
Bureau Office of Education	Other budgetary resources ----
Appropriation title & symbol	Total budgetary resources 57,055,000
Indian Education 7560204	Amount proposed for rescission $ 15,000,000
OMB identification code: 09-40-0204-0-1-501	Legal authority (*in addition to sec. 1012*): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (*expiration date*) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

COVERAGE

Program/Activity	Total Budgetary Resources	Amount Proposed for Rescission
Financial assistance to local education agencies for the education of Indian children.	$35,000,000	$10,000,000
Special programs and projects to improve educational opportunities for Indian children.	16,000,000	4,000,000
Special programs relating to adult education for Indians	4,000,000	1,000,000
Total affected by rescission proposals	55,000,000	15,000,000
Total budgetary resources not affected by rescission proposals.	2,055,000	----------
Total.	57,055,000	15,000,000

Justification

Rescission of funds is proposed to avoid new and expanded commitments of Federal dollars for these programs. They already receive considerable support which would be continued if the rescission is approved. Further support would overlap some funding provided to other Federal programs for similar services. Funds from other Office of Education programs, such as those provided to carry out Title I of the Elementary and Secondary Education Act, also benefit Indians.

Payments to Local Educational Agencies (LEA's) and non-LEA's

The 1976 budget proposed an amount of $25,000,000 for this activity. The Congress provided an additional amount of $10,000,000. The proposed rescission would return the appropriation for 1976 to the amount appropriated in fiscal year 1975. At the proposed $25 million level, an estimated 1,200 LEA grants will be awarded serving 271,950 Indian students with an average grant expenditure per child of $84. The appropriated level would increase the number of LEA awards by 355, serving an additional 4,570 children and would increase the average grant expenditure per child to $117. At the proposed level, 25 awards averaging nearly $90,910 could be made to non-LEA's. At the appropriated level, 40 such awards would be made and they would average $79,545.

Special Projects for Indian Children

Rescission of $4,000,000 would return the level of funds available to the amount appropriated in 1975. If the funds are rescinded, 160 grants would be awarded . If they are not, 170 grants would be made.

Special Projects for Indian Adults

An amount of $4,000,000 was appropriated for this activity. It is proposed to rescind $1,000,000. If the rescission is approved, 60 awards averaging $50,000 would be made to support high school equivalency and model development programs serving 10,000 adult Indians. The appropriated level would fund a total of 65 such grants at an increased average cost of $61.5 thousand, and serve an additional 5,000 participants.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976:	
1. With rescission	$42.1
2. With rescission	41.5
3. Current outlay savings (line 1 - line 2)	.6
Outlay Savings for Transition Quarter	2.9
Outlay Savings for 1977	10.6
Outlay Savings for 1978	.8

R76-38

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education

Indian Education

Appropriations provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976, are rescinded in the amount of $15,000,000 for the fiscal year ending June 30, 1976 of which $10,000,000 is for part A of the Indian Education Act, $4,000,000 is for carrying part B of the Act, and $1,000 is for part C of the Act.

R76-10A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of P. L. 93-344

This supplementary message revises rescission proposal R76-10 transmitted to Congress on November 18, 1975, and printed as House Document No. 94-309.

This report covers HEW's program of school assistance in federally affected areas. It increases by $22,804,702 the amount proposed for rescission. It correspondingly increases the estimated outlay savings from approval of the rescission by $16.9 million in 1976, $1.1 million in the transition quarter, and $4.4 million in 1977. These changes are based on recent extensive analysis of the most recent local education agency application data.

Rescission Proposal No: R76-10A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Dept. of Health, Education & Welfare Bureau: Office of Education Appropriation title & symbol: School Assistance in Federally Affected Areas 7560280 75X0280	New budget authority (P.L. 94-94): $680,000,000 Other budgetary resources: 1,430,922 Total budgetary resources: 681,430,922 Amount proposed for rescission: $243,773,154*
OMB identification code: 09-40-0280-0-1-501 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☒ No-year ($20 million for construction)	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

PROGRAMS AND ACTIVITIES AFFECTED BY PROPOSED RESCISSIONS

Program/Activity	Total Budgetary Resources	Amount Proposed for Rescission
Maintenance and Operations:		
(a) Payments for "a" children	$ 248,737,758	$ 14,683,083
(b) Payments for "b" children	341,597,262	205,498,373*
(c) Special provisions	12,664,980	2,591,698*
(d) Savings provisions	11,000,000	11,000,000
Construction	20,000,000	10,000,000
Total Affected by Rescission Proposals	634,000,000	243,773,154 *
Total Not Affected by Rescission Proposals	47,430,922	0
Total	$ 681,430,922	$243,773,154*

Rescission of appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) will eliminate inequities in existing payment structures while providing funds for payments to school districts that are truly adversely impacted by the presence of Federal facilities and personnel. In order to fund the program in this manner, the attached rescission and resulting availability language is proposed.

*Revised from previous submission.

R76-10-A

2

JUSTIFICATION AND ESTIMATED EFFECTS

Payments for "a" children

Of the $14,683,083 proposed for rescission, $13,202,219 reflects the difference between Administration estimates and higher Congressional estimates used to determine the required funding levels for Tiers I and II. This portion of the proposed rescission does not reflect a reduction in commitment levels and no programmatic impact is anticipated.

The remaining $1,480,864 proposed for rescission would, under the appropriation, provide payments for children residing in low rent public housing whose parents are employed on Federal property or are serving in the uniformed services. Although these children have been counted for entitlement purposes in the past, payments have never been made for them. The Administration proposes to continue nonpayment for this category, believing that low-rent public housing provisions change the nature of the program to that of a partially categorical program, thus deviating from the intent of P.L. 81-874. Furthermore, many children eligible under public housing provisions are also eligible for Federal assistance under Title I of the Elementary and Secondary Education Act, resulting in further inequities in a program already characterized by substantial inequity. If the proposed rescission is enacted, these children will continue to qualify for eligibility purposes, but no payments will be made on their account.

Payments for "b" children

The parents of "b" children live in the community while working on Federal property thus, paying property taxes which support local schools. In addition, their presence is generally an economic asset to the community. For these reasons the Administration proposes that State and local governments assume a greater responsibility for "b" children and that *$122,942,096 be rescinded. If the rescission is approved, payments to school districts for "b" children would continue at a normal rate of 50 percent of entitlement until January 1, 1976. For the remainder of fiscal year 1976, payments would be based on 50 percent of entitlement less an amount equal to 2-1/2 percent of the school district's total operating expenses in the prior year. After January 1, 1976, approximately 4300 school districts would receive reduced payments for "b" children. However, no school district would lose more than 2-1/2 percent of its total operating budget for the previous school year.

Another $26,213,790 proposed for rescission reflects the difference between Administration estimates and higher Congressional estimates used to determine the required funding levels for Tiers I and II. This portion of the rescission does not reflect a reduction in commitment levels and no programmatic impact is anticipated.

The remaining $56,342,487 proposed for rescission would, under the appropriation, provide payments for children residing in low rent public housing or for children whose parents are employed on such projects. Although these children have been counted for entitlement purposes in the past, they have never received

*Revised from previous submission.

payment. The Administration proposes to continue nonpayment for this category believing that low-rent public housing provisions change the nature of the program thus deviating from the intent of P.L. 81-874. Furthermore, many children eligible under public housing provisions are also eligible for Federal assistance under Title I of the Elementary and Secondary Education Act, resulting in further inequities in a program already characterized by substantial inequity. If the proposed rescission is enacted, these children will continue to qualify for eligibility purposes, but no payments would be made on their account.

Special Provisions

Of the *$2,591,698 proposed for rescission, $91,698 reflects the difference between Administration estimates and higher Congressional estimates used to determine the required funding levels for Tiers I and II. This portion of the rescission does not reflect a change in the intent of the appropriation, and no programmatic impact is anticipated.

The remaining *$2,500,000 proposed for rescission would leave a program level that would allow payments to school districts to be based on 50 percent of entitlement less an amount equal to 2-1/2 percent of total operating expenses in the prior year.

An undetermined number of school districts would receive the reduced payments. However, no school district would lose more than 2-1/2 percent of their total operating budget for the previous school year.

Savings Provisions

The proposed $11 million rescission would eliminate "hold harmless" payments to school districts who no longer qualify for their previous payment levels due to (1) the closing of military installations or (2) the elimination in P.L. 93-380 of out-of-State and out-of-county * "b" children from the entitlement base used to determine payments. These payments are inequitable because they are not based on the entitlement criteria that apply to all other payments. The payments provide aid to school districts for children who are not using the school district's services.

Construction

This program provides assistance for construction of school facilities in school districts affected by Federal activity. The proposed rescission level would maintain the 1976 request level of $10 million. This amount would provide funding to cover the areas of critical need.

The amount proposed for rescission would provide up to $4 million in repairs and maintenance to school facilities on Federal property, $2,850,000 for construction assistance to local education agencies, and $3,150,000 for schools constructed on Indian land.

*Revised from previous submission

R76-10A 4

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with the 1977 budget):

1.	Without rescission	657.5
2.	With rescission	485.1 *
3.	Current outlay savings (line 1 - line 2)	172.4 *
	Outlay Savings for Transition Quarter	10.9 *
	Outlay Savings for 1977	43.3 *
	Outlay Savings for 1978	12.0 *

*Revised from previous submission.

R76-10A

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Appropriations under this heading for the fiscal year 1976 are rescinded and* revised in the following amounts: 678

Rescinded are $233,773,154 for sections 2, 3, and 4 of title I of the Act of September 30, 1950, as amended (20 U.S.C., ch.13), and $10,000,000 for the Act of September 23, 1950, as amended (20 U.S.C., ch.19). Of the $426,226,846 remaining under this heading for carrying out title I of the Act of September 30, 1950, $46,000,000 shall be available for payments under section 6 of title I of the Act of September 30, 1950. The remainder of such amount shall be available for payments to local educational agencies on the basis of entitlements under sections 2, 3, and 4 of that title: Provided, that notwithstanding the provisions of section 5(c) of that title--

(1) none of the funds available under this heading shall be available for payments with respect to that part of any entitlement determined under section 5(e)(1) of that title for any portion of the period beginning July 1, 1975, and ending September 30, 1976;

(2) fifty per centum of the total amount of those payments to local educational agencies based on entitlements under sections 2, 3(b), 3(e) and 4 of that title (exclusive of any part of such entitlements determined under section 5(e)(1) of that title) shall be reduced by an amount equal to 2.5 per centum of the current expenditures (as defined in section 403(5) of the Act of September 30, 1950) for such agency during the fiscal year ending June 30, 1975; and

(3) None of the funds remaining available under this heading shall be

* Revised from pervious report.

R76-10A

available for payments under subparagraphs (B) and (C) of section 305(b)(2) of the Education Amendments of 1974 for any portion of the period beginning July 1, 1975, and ending September 30, 1976.

Of the $10,000,000 remaining under this heading for carrying out the Act of September 23, 1950, $1,000,000 shall be available for repairs for facilities constructed under section 10 of that Act and none of the remaining funds shall be available for payments under any other section of that Act until payment has been made of 100 per centum of the amounts payable under section 5, 14(a), and 14(b) of that Act.

Rescission Proposal No: R76-39

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-157) $38,495,000
Bureau Asst. Secretary for Human Development	Other budgetary resources ---
Appropriation title & symbol Human Development 7560136	Total budgetary resources 38,495,000
	Amount proposed for rescission $2,000,000
OMB identification code: 09-80-1636-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION:

This request reaffirms the President's 1976 budget request to meet the cost of the Protection and Advocacy program and newly mandated studies within the total amount available for development disabilities by reducing the level of new Service Project grants in 1976.

ESTIMATED EFFECTS

Grants for the Developmentally Disabled

State Grants - The proposed rescission, if enacted, would not affect any of the State activities. $30,058,000 would be provided in formula grants to the States, $1,500,000 in grants to States for developing and maintaining systems to protect and advocate the rights of persons with developmental disabilities, and $817,000 would be provided for evaluation activities and for one technical assistance grant, for a total effort of $32,375,000.

Service Projects - The proposed rescission, if enacted, would reduce the amount of new Service Project grants under Part D of the Act. Under the appropriation level, approximately $3.8 million is available for new Service Projects. If the rescission is approved, the level of new projects would be reduced to about $1.8 million. The Administration believes that $1.8 million in new projects plus about $15.2 million in continuation projects is sufficient to carry on this program in 1976.

If the proposed rescission is approved and if regular appropriations are enacted, the total 1976 appropriation for Service Projects would be $17,000,000.

Outlay Effect (estimated in millions of dollars)

Current Outlay estimates for 1976 (consistent with 1977 budget):	
1. Without rescission	1,631.5
2. With rescission	1,630.4
3. Current outlay savings (line 1 - line 2)	1.1
Outlay savings for the Transition Quarter	.3
Outlay savings for 1977	.6
Outlay savings for 1978	.0

R76-39

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Assistant Secretary for Human Development

HUMAN DEVELOPMENT

Appropriations provided under this head in the Supplemental Aprpopriations Act, 1976, for carrying out the Developmentally Disabled Assistance and Bill of Rights Act for fiscal year 1976 are rescinded in the amount of $2,000,000.

Rescission Proposal No: R76-40

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	See Coverage below. New budget authority $ ____ (P.L. ____) Other budgetary resources ____ Total budgetary resources ____
Bureau Bureau of Land Management	
Appropriation title & symbol 14X1113 Public Lands Development Roads and Trails	Amount proposed for rescission $ ____
OMB identification code: 10-04-1113-0-1-302	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☒ Multiple-year June 30, 1976, and June 30, 1977 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other ____

Coverage

Fiscal Year 1976		Fiscal Year 1977	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
30,050,000	4,900,000	18,950,000	3,900,000

Justification

Contract authority is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate contract authority has been appropriated. Appropriated funds are not being proposed for rescission by this report. What is being proposed for rescission is authority to obligate funds before appropriation.

Contract authority in this account is authorized in multi-year periods by the Federal-Aid Highway Act. The total amount of contract authority authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but is derived from long-term estimates of future road building plans and represents an upper limit for an ongoing road construction effort. The total amount of unobligated contract authority brought forward to 1976 is $30,000,000, of which $5,100,000 is scheduled for obligation

in 1976; $1,100,000 in the transition period; and $5,000,000 in 1977. In addition, it is expected that $50,000 from reimbursements will be available and obligated in both 1976 and 1977. Based on the current obligation plan and on the fund availability periods specified in the Federal-Aid Highway Act of 1973, $4,900,000 would lapse at the end of 1976 and $3,900,000 would lapse in 1977.

Funds in this account are used for constructing new roads and trails, reconstructing existing roads and trails, and acquiring easements for access to public lands. The roads and trails are used for management of the 450 million acres of public land and by recreationists. The road and trail system currently includes about 44,000 miles of roads and 5,000 miles of trails. The 1976 program includes 38 miles of new road construction, 28 miles of road surfacing, construction of 5 bridges and 45 miles of trail, and acquisition of 179 easements. This program is designed to make optimum use of available funds. Rescinding contract authority not scheduled for use in the current fiscal year is consistent with the current financial plan and 1976 appropriations. Rescinding 1977 contract authority is consistent with the financial plan proposed in the President's 1977 budget.

Estimated Effect

If all authorized contract authority were made available for obligation now, the Bureau of Land Management could probably obligate an additional $1 million in 1976 and the transition period and $4 million in 1977. This would result in financing lower priority projects than the current budget plan.

Outlay Effect (estimated in millions of dollars)

1976

Current Outlay Estimates for 1976 (consistent with the 1977 budget):

1. Without rescission	4.8
2. With rescission	4.3
3. Current outlay savings (line 1 minus line 2)	0.5

Transition Quarter

1. Without rescission	2.0
2. With rescission	1.5
3. Current outlay savings (line 1 minus line 2)	0.5

R76-40

3

1977

Current Outlay Estimates for 1977 (consistent with 1977 budget)

1. Without rescission	8.5
2. With rescission	5.0
3. Current outlay savings (line 1 minus line 2)	3.5
Outlay savings for 1978	1.5

R76-40

Department of the Interior
Bureau of Land Management
Public Lands Development Roads and Trails

Contract authority provided by the Federal-aid Highway Act of 1973 for Public Lands Development Roads and Trails in the amounts of $4,900,000 available until June 30, 1976, and $3,900,000 available until June 30, 1977 are rescinded.

Rescission Proposal No: R76-41

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Interior	New budget authority (P.L.) $ 0
Bureau National Park Service	Other budgetary resources 276,782,517
Appropriation title & symbol	Total budgetary resources 276,782,517
Road Construction 14X1037	Amount proposed for rescission $ 58,500,000
OMB identification code: 10-24-1037-0-1-303	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year June 30, 1978; June 30, 1976; (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification

Contract authority is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate the contract authority has been appropriated. Appropriated funds are not being rescinded by this action. What is being rescinded is authority to obligate funds before appropriation.

Contract authority in this account results from multi-year authorization under the Federal-Aid Highway Act of 1973. The total amount of contract authority authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch, but is derived from long term estimates of future road-building plans and represents an upper limit for an ongoing road, trail, and parkway construction effort. The total amount of contract authority available for 1976 and subsequent years is $276,782,517, of which $46,551,000 is scheduled for obligation in 1976. Most of the balance of $230,231,517 will be available for obligation after 1976. However, based on the current obligation plan, $58,500,000, which would otherwise lapse (as provided in the Federal-aid Highway Act of 1973) at the end of 1976, is proposed for rescission.

Funds in this account are used for building new roads, trails, and parkways; for rehabilitating existing roads, trails, and parkways; and for advance planning of projects. The current system includes about 10,200 miles of roads, including parkways, and about 9,700 miles of trails. The 1976 program ($46,551,000) includes

elements reviewed and approved by the Congress. Rescinding contract authority not scheduled for use in the current fiscal year is consistent with the current financial plans and with 1976 appropriations.

Estimated Effects

If all authorized contract authority were made available for obligation now there would be little, if any, program or outlay effect because it is not likely the funds would be obligated for projects without review by the Congress. This is because, in this account, the obligation program traditionally has been based on a project-by-project review by the appropriations committees.

Outlay Effect (estimated in millions of dollars):

Current Outlay Estimates for 1976 (consistent with 1977 budget):

1. Without rescission.....	39.5
2. With rescission	39.5
3. Current outlay savings (line 1 - line 2)	--
Outlay Savings for the Transition Quarter..	--
Outlay Savings for 1977.....	--
Outlay Savings for 1978.....	--

R76-41

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Contract authority provided by the Federal-aid Highway Act of 1973 for National Park Service Road Construction and available until June 30, 1976, is rescinded in the amount of $58,500,000.

Recission Proposal No: R76-42

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of State Bureau:	New budget authority (P.L. 94-121 ___) FY $60,000,000 TQ 13,000,000 Other budgetary resources FY --- TQ --- Total budgetary resources FY 60,000,000 TQ 13,000,000
Appropriation title & symbol Mutual Educational and Cultural Exchange Activities 1961128	Amount proposed for rescission FY $5,000,000 TQ 3,000,000
OMB identification code: 14-20-1128-0-1-153 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012). ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Department of State Appropriation Act, 1976 (Title I, Public Law 94-121) provides budget authority of $60,000,000 for fiscal year 1976 "for expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended". An additional $13,000,000 is appropriated for the Transitional Quarter. From the funds appropriated, the State Department pays for program activities involving exchange of persons, aid to American-sponsored schools abroad, cultural presentations, UNESCO support activities, program services, and administrative expenses.

In keeping with the President's policy to restrain the growth of federal budget expenditures by reducing non-essential or non-critical program activities a rescission of $5 million in 1976 and $3 million in the transition quarter is proposed for the Mutual Educational and Cultural Exchange activities, one of the few Department programs in which reductions can be made reasonably quickly.

Estimated Effects:

Allocation of the rescission for fiscal year 1976 will impact primarily on the Exchange of persons program as a reduction of $4,870,000 to a program level of $38,409,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
MECEA

Smaller reductions will be made against Aid to American-sponsored schools abroad (a reduction of $30,000 to a program level of $1,800,000), and Cultural presentations (a reduction of $100,000 to a level of $1,200,000).

Apportionment of the rescission for the Transition Quarter will be applied: Exchange of persons (a reduction of $2,920,000 to $6,268,000), Aid to American-sponsored schools abroad (reduction of $5,000 to $85,000) and Cultural presentations (reduction of $75,000 to $230,000).

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with the 1977 budget):	
1. Without rescission	56.3
2. With rescission	53.7
Current outlay savings (line 1 - line 2)	2.6
Outlay Savings for the Transition Quarter	2.5
Outlay Savings for 1977	2.4
Outlay Savings for 1978	.5

R76-42

DEPARTMENT OF STATE

Mutual Educational and Cultural Exchange Activities

Appropriations provided under this head in the Department of State Appropriation Act, 1976, are rescinded in the amount of $5,000,000 for the fiscal year ending June 30, 1976, and in the amount of $3,000,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-43

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Community Services Administration	New budget authority (P.L. 94-157) $2,500,000
Bureau	Other budgetary resources 1/
Appropriation title & symbol Community Services Program 8160500 (Research and Demonstration)	Total budgetary resources 2,500,000
	Amount proposed for rescission $2,500,000
OMB identification code: 39-39-0500-5-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The $2.5 million proposed for rescission from the Research and demonstration (R&D) program was appropriated in the Supplemental Appropriation Act, 1976. These funds would expand the basic skills demonstration activity, which has attempted to improve reading and mathematics skills of children who are below national norms. Federal funds are primarily used to purchase equipment and train teachers.

In fiscal year 1974, the Office of Economic Opportunity, predecessor agency to the Community Services Administration (CSA), transferred by delegation of authority all R&D functions to mission specific Federal agencies with most functions going to the Department of Health, Education, and Welfare. Both the 1976 and 1977 Budgets requested funds for social R&D in the mission specific agencies (to which expert personnel and the associated functions had been transferred in 1974), rather than to the CSA.

The basic skills demonstration activity, funded in fiscal year 1974, sponsored two basic skills projects involving more than 60 learning centers. One project has been completed and a final report has been issued and disseminated to the appropriate Federal agencies including the Office of Education (OE) and National Institute of Education (NIE) in HEW. These agencies are the Federal source of educational information and expertise. Both OE and NIE provide funding for the broad implementation of successful experimental findings in the field of education and have the expertise to continue this basic skills demonstration if more data is needed before implementation is considered.

1/ The continuing resolution for 1976 makes funds available until regular appropriations are enacted.

The evaluation now available indicates mixed findings on the basic skills learning centers. Evaluation of all the centers funded in fiscal year 1974 will be available at the end of calendar year 1976. Therefore, a major expansion of this demonstration, as provided by the $2.5 million in the Supplemental Appropriations Act, is premature and programmatically unjustified at this time.

Finally, supplying CSA funds for the narrow purpose of learning center demonstration activities violates desirable competitive and comparative principles. Potential grantees are not forced to compete with other education demonstration projects, though some of them may be more deserving of funding. Secondly, HEW already has both expert personnel and established methods for selecting among various desirable demonstration projects. Placing similar processes and personnel in CSA is unnecessarily duplicative and destructive of the effort to assign funding priorities. Federal financial support, if warranted, for additional basic skills grantees is best considered within comprehensive programs such as HEW's Grants for the disadvantaged, Right to read program, or Support and innovation grants, so that proposed projects can be judged within the priorities of similar education techniques and methods and reviewed by knowledgeable educational researchers.

In summary, this rescission is proposed because: (1) the CSA/OEO Research and demonstration program and skilled personnel have been delegated to other agencies; (2) basic skills demonstrations funded in fiscal year 1974 will not be completed nor fully evaluated until the end of calendar year 1976; (3) once the existing demonstrations have been analyzed, it should be the programmatic responsibility of HEW to determine whether the evaluations warrant further testing of the basic skills concept or implementation of a basic skills program; and (4) the Administration believes that the basic skills projects should be subject to the same evaluation and funding standards as other education demonstration activities now sponsored by HEW.

Estimated Effects

Existing commitments for basic skills learning centers supported by fiscal year 1974 OEO monies will not be affected by this rescission. Funding for new experiments and dissemination of useful approaches is available from State and local sources or larger Federal programs in HEW's Office of Education and National Institute of Education, and would not be duplicatively funded through CSA if the rescission were approved.

R76-43

3

Outlay effect (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with 1977 budget):	
1. Without rescission	$1.0
2. With rescission	---
3. Current outlay savings (line 1 minus line 2)	$1.0
Outlay savings for transition quarter	$1.5
Outlay savings for 1977	---
Outlay savings for 1978	---

R76-43

COMMUNITY SERVICES ADMINISTRATION

Community Services Program

Appropriations provided under this head in the Supplemental Appropriations Act, 1976, are rescinded in the amount of $2,500,000.

R76-27A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Rescission R76-27 transmitted to Congress on December 1, 1975, and printed as House Document No. 94-311 and Senate Document No. 94-137.

Rescission of $1,206,000 for the transition quarter is now proposed for the Consumer Product Safety Commission, in addition to the $5,225,000 in rescission of 1976 funds proposed earlier. Both proposals have the same purpose--to maintain spending through 1976 and the transition quarter, at the 1975 level.

Rescission Proposal No: R76-27A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Consumer Product Safety Commission	New budget authority (P.L._____)
Bureau	Other budgetary resources
Appropriation title & symbol Salaries and Expenses - 6150100	Total budgetary resources Amount proposed for rescission (See Coverage section below)
OMB identification code: 30-40-0100-0-1-553	Legal authority*(in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

*Coverage:

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$41,820,000	$5,225,000	$10,355,000	$1,206,000
(P.L. 94-116)		(P.L. 94-116)	

*Justification:

The proposed rescission would maintain the President's 1976 requested level of $36,595,000 for the Consumer Product Safety Commission (CPSC). The appropriations for 1976 and the transition quarter exceeds the President's request by the $6,431,000 proposed for rescission.

The resulting level would allow maintenance of all CPSC programs at the 1975 level, which is more than 20% above the 1974 level. Funding levels permitted with the rescission should provide ample resources for CPSC to demonstrate its effectiveness in reducing consumer product injuries, to address program priorities, and to accomplish essential objectives.

*Estimated Effects:

The rescission would not result in personnel reductions, and all CPSC programs could be maintained at the 1974 level. No continuing grants or contracts would have to be cancelled for lack of funding. The funds appropriated would result in a average 14% expansion over 1975 in all program areas--including regulatory development, information and education, compliance, and administration.

R76-27A

-2-

*Outlay Effect: (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):	
1. Without rescission	47.4
2. With rescission	43.4
3. Current outlay savings (line 1 - line 2)	4.0
Outlay savings for the Transition Quarter	1.2
Outlay savings for 1977	1.3
Outlay savings for 1978	-0-

* Revised from previous report.

R76-27A

CONSUMER PRODUCT SAFETY COMMISSION

Salaries and Expenses

Appropriations provided under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1976, are rescinded in the amount of $5,225,000 for the fiscal year ending June 30, 1976, *and in the amount of $1,206,000 for the period July 1, 1976, through September 30, 1976.

---

* Revised from previous report.

Rescission Proposal No: R76-44

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Selective Service System Bureau:	New budget authority (P.L. 94-116) $8,300,000 1/ Other budgetary resources -- Total budgetary resources 8,300,000 1/
Appropriation title & symbol Salaries and Expenses 9060400	Amount proposed for rescission $1,775,000 1/
OMB identification code: 32-40-0400-0 -1-054 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This rescission of Transition Quarter funds reflects savings associated with suspension of the draft registration requirement and the phase-down of personnel and activities associated with this function.

A review of mobilization manpower requirements has indicated that increased reliance could be placed on reservists and volunteers rather than pre-registered individuals to fulfill Defense needs during the earliest stages of a major conflict. The Selective Service System will continue planning and preparing for the registration and induction of individuals into the armed services in the event of mobilization.

Estimated Effects

Involuntary induction into the armed forces during the initial stages of mobilization will be delayed. A determination has been made that active duty forces, reserve forces, and enlistees will satisfy anticipated personnel requirements during the period required to reinstate the draft.

1/ Amounts for the transition quarter.

R76-44

Outlay Effect (estimated in millions of dollars):

Current Outlay Estimate for TQ (consistent with the 1977 budget):	
1. Without Rescission	7.9
2. With Rescission	6.1
3. Current Outlay Savings (Line 1 - Line 2)	1.8
Outlay Savings for 1977	-0-
Outlay Savings for 1978	-0-

R76-44

Selective Service System

Salaries and Expenses

Appropriations provided under this head in the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1976, are rescinded in the amount of $1,775,000 for the period July 1, 1976, through September 30, 1976.

Deferral No: D76-95

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____)
Bureau Soil Conservation Service	Other budgetary resources
Appropriation title & symbol Watershed and Flood Prevention Operations, 12X1072	Total budgetary resources Amount to be deferred: Part of year Entire year See Coverage Section Below
OMB identification code: 05-78-1072-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

COVERAGE

Source of Budgetary Resources	Amount of Budgetary Resources	Amount Deferred
P.L. 94-122	211,394,000 1/	---
P.L. 94-157.....	26,432,000	18,000,000
Other budgetary resources.....	25,052,000	---
Total.....	262,878,000	18,000,000 2/

Background

The Agriculture and Related Agencies Appropriation Act, 1976, (P.L. 94-122) provided $211.4 million for watershed and flood prevention operations through the transition quarter. Other budgetary resources available for that purpose totaled $25.1 million. The Administration proposed deferral of $22.5 million on December 1, 1975. The amount planned for deferral consisted of $12.5 million for emergency work and $10 million for new construction starts. That deferral (D76-73) was overturned by the House of Representatives on December 19, 1975. The funds were subsequently made available for obligation.

1/ Includes $26,577,000 for emergency work and $38,408,000 for the transition quarter.

2/ $18 million to be deferred through 1976. Of the $18 million, $12 million is planned for use in the transition quarter and $6 million in 1977.

Justification

Another $26.4 million for emergency measures was provided in the Supplemental Appropriations Act, 1976. The funds that were appropriated are to remain available until expended. The conference report on the appropriation stated that "If funding requirements are determined to be less than the amount provided ... carry-over funds shall be available to fund other section 216 work when justified." [emphasis added]. Similarly, but more specifically, the report of the Senate Appropriations Committee expressed "... some reservation concerning the adequacy of the information describing the conditions on which these appropriations are based", and--based on their understanding that the information had been reviewed by neither the Department of Agriculture nor the OMB--made clear their expectation that "these funds will not be released for obligation until such time as the projects involved have been reviewed and approved at the departmental level."

The Department, in its review process, will identify those emergency projects that can be carried out, taking into account the limitations imposed by the time available, the equipment ready for use, and climatic conditions. It is estimated, given those constraints, that $18 million cannot be obligated in 1976, but that $12 of that $18 million can be obligated in the transition quarter.

The $18 million is planned for deferral through June 30, 1976, and, if appropriate legislation is enacted, $6 of the $18 million will be deferred through September 30, 1977.

Estimated Effects

Emergency work necessary to relieve hazardous conditions critical to the protection of life and property will be undertaken whenever feasible in fiscal year 1976. Only if timing and physical constraints are present will projects be delayed.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):	
1. Without deferral	169.8
2. With deferral	169.8
3. Current Outlay Savings (line 1 - line 2)	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0
Outlay Savings for 1978	0

Deferral No: D76-96

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Army	New budget authority (P.L. 94-180): $ 700,000
Bureau: Corps of Engineers, Civil	Other budgetary resources: 846,023,000
Appropriation title & symbol: Revolving fund, COE Civil 96X4902	Total budgetary resources: 846,723,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 700,000
OMB identification code: 08-10-4902-0-4-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

Funding in the amount of $700,000 was provided in Public Works Appropriation Act, 1976, for the design of three hopper dredges. Hopper dredges are ocean-going vessels used to increase the depth of channels in unprotected waters.

It is the Administration's policy to encourage the private sector to design, construct, and operate hopper dredges, activities presently dominated by the Federal Government. The private dredging industry has several hopper dredges in design or construction at this time, precluding the need for further Federal investment while the intent and ability of the dredging industry to enter the field is being assessed. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

Deferral of the funds added for design of the three hopper dredges will delay the eventual construction of three Federal (Corps of Engineers) hopper dredges by approximately the period of the deferral and thus potentially strain the capacity of the existing Federal fleet if compensating non-federal capacity is not provided. The Administration believes, however, that the private sector can provide the necessary capacity and should be given the opportunity to assume the dredging workload anticipated for these three ships.

Outlay Effect (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with 1977 budget):

1.	Without deferral	9.0
2.	With deferral	8.3
3.	Current outlay savings (line 1 - line 2)	0.7

Outlay savings for the Transition Quarter	0
Outlay savings for 1977	-0.7
Outlay savings for 1978	.0

D76-97

-2-

This deferral includes funds appropriated for the following purposes:

Pending Indian Health Service Construction Projects
(In thousands of dollars)

	Amount in P.L. 94-165	Estimated Additional Amount Needed to Complete Project
Hospital at Ada, Oklahoma.....	$800	$13,700
Hospital at Cherokee, N. C.	500	8,400
Clinic at Lumni, Washington.....	1,000	170
Hospital at Acomita, N. M.	2,900	4,200
Hospital at Santa Fe, N. M.	4,600	10,200
Hospital at Bethel, Alaska.....	1,500	43,000
Hospital at Red Lake, Minnesota...	450	8,300
Clinic at Menominee, Wisconsin....	1,000	---
Personnel Quarters at Rocky Boy and Lame Deer, Montana.....	1,158	---
Total.....	$13,908	*87,970

Justification

Funds appropriated for this program under the Department of Interior and Related Agencies Appropriation Act of 1976, P.L. 94-165, included $13,908,000 to partially fund the construction of seven facilities. The process of orderly planning for construction of facilities requires that the total amount of estimated construction funds be made available before construction is initiated. Therefore, we are requesting that the funds appropriated for partial construction of facilities be deferred until the total funds required to complete construction of these facilities are available or until reprogramming alternatives can be reviewed and developed for congressional consideration. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The funds being deferred were intended to begin--but not complete--construction projects. Consequently, with or without the deferral, the appropriated funds being deferred would not have provided more health care--that can only be provided when the facilities have been completed and opened for operation. Any delays in beginning the affected projects can be offset by the orderly progress that can result from the certainty of having enough funds to complete these projects. Partial funding would likely delay the projects in mid-course.

Outlay Effect: (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):	
1. Without deferral.....	57.0
2. With deferral.....	55.5
3. Current outlay savings (line 1 - line 2).....	1.5
Outlay Savings for the Transition Quarter.....	-0-
Outlay Savings for 1977.....	-1.5
Outlay Savings for 1978.....	-0-

Deferral No: D76-98

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 94-121) $809,638,000
Bureau Law Enforcement Assistance Admin.	Other budgetary resources 66,660,853
Appropriation title & symbol Salaries and Expenses -- 15X0400 (Juvenile Justice and Delinquency Prevention Program)	Total budgetary resources 876,298,853
	Amount to be deferred: Part of year $ ____ Entire year 15,000,000
OMB identification code: 11-21-0400-0-1-754	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

JUSTIFICATION AND ESTIMATED EFFECTS

Deferral of $15 million for juvenile justice and delinquency prevention programs in the Law Enforcement Assistance Administration (LEAA), Department of Justice, is proposed through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. Funds for this program are authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) and appropriated in the amount of $40 million for 1976 in the State, Justice, Commerce, the Judiciary, and Related Agencies Appropriation Act of 1976.

Because of the failure of past Federal efforts to cope with the juvenile delinquency problem, the Administration is opposed to rapid expansion of new LEAA programs in this area before adequate program planning and evaluation has occurred and made possible the identification of potentially successful program emphases and directions. Therefore, the Administration's objectives in 1976 are (1) to establish mechanisms for program and policy development, (2) to assure effective interagency coordination, and (3) to experiment with innovative and promising techniques. These planning steps are essential before consideration should be given to launching major new funding programs in this area with State and local governments.

In addition to the $40 million appropriation for 1976, the Congress provided $25 million in a late 1975 supplemental appropriation which is also available for obligation in 1976. Those funds, which were obligated during the first six months of the current fiscal year, are being used to develop program and evaluation capabilities at the Federal and State levels, begin research and evaluation programs of the National Institute of Juvenile Justice and Delinquency Prevention, and develop program initiatives in the following areas: deinstitutionalization of juvenile status offenders, delinquency prevention, delinquency diversion, and treatment of serious youthful offenders.

These separate appropriations provide a total of $65 million available for obligation in 1976, allocated as follows:

	($ in millions) From 1975 Appropriations	From 1976 Appropriations	Total
Formula grant allocations to States	$10.6	$23.0	$33.6
Special Emphasis Grants	10.7	9.8	20.5
National Institute of Juvenile Justice and Delinquency Prevention	3.2	6.0	9.2
Coordination and Administration	0.5	1.2	1.7
Total	$25.0	$40.0	$65.0

In addition to these appropriations, the Juvenile Justice and Delinquency Prevention Act of 1974 mandates that funding of juvenile delinquency programs from other LEAA grant programs not be reduced below the fiscal year 1972 level (Title V, Part C, Section 544). LEAA estimates that more than $100 million was spent on these programs in 1972.

In order to assure that thorough planning and evaluation occur before major new funding programs are initiated, the Administration is proposing to moderate the rate of growth in this program by deferring $15 million of the $40 million appropriated for 1976 until 1977. Even with this proposed deferral, new obligations of $50 million will occur in 1976, allocated as follows:

D76-98

3

($ in millions)

	Total available for obligation	Proposed Deferral	Recommended Total
Formula grant allocations to States	$33.6	$-7.6	$26.0
Special Emphasis Grants	20.5	-3.9	16.5
National Institute of Juvenile Justice and Delinquency Prevention	9.2	-3.5	5.7
Coordination and Administration	1.7	---	1.7
Total	$65.0	$-15.0	$50.0

The major impact of this deferral will be to moderate the rate of growth in new formula and discretionary grant programs in 1976 to permit a more reasonable and orderly commitment of the additional funds. The resulting funding level represents almost a 50% expansion in Federal financing for juvenile delinquency programs over a period of one year. Committing larger amounts over the remaining five months of the fiscal year cannot be done with any assurance that the additional monies will be efficiently utilized or effectively targeted at priority problems. Guidelines under which the new programs are to operate have not yet been developed in some cases. The requested deferral will permit a more prudent startup of new programs and the resulting funding level will be adequate to carry out LEAA statutory responsibilities under the 1974 Act and to establish a sound basis for determining future program directions and emphases.

OUTLAY EFFECT (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with the 1977 budget):

1. Without deferral	919.0
2. With deferral	918.0
3. Current outlay savings	1.0
Outlay savings for the transition quarter	2.0
Outlay savings for 1977	6.8
Outlay savings for 1978	5.2

Deferral No: D76-99

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Labor	New budget authority (P.L. 94-157) $5,000,000,000
Bureau Employment and Training Administration	Other budgetary resources ____
Appropriation title & symbol: Advances to the Unemployment Trust Fund and Other Funds 166/70327	Total budgetary resources $5,000,000,000
	Amount to be deferred: Part of year $____
	Entire year 1,800,000,000
OMB identification code: 12-05-0327-0-1-603	Legal authority (in addition to sec. 1013): [XX] Antideficiency Act
Grant program [ ] Yes [XX] No	[ ] Other ____
Type of account or fund: [ ] Annual [X] Multiple-year Sept. 30, 1977 (expiration date) [ ] No-year	Type of budget authority: [XX] Appropriation [ ] Contract authority [ ] Other ____

Justification:

The amount deferred pursuant to the Antideficiency Act (31 U.S.C. 665) is from a two-year appropriation, part of which the Congress intended to be used in the subsequent fiscal periods. All amounts estimated to be required for the current year have been apportioned. The amount deferred through June 30, 1976, is to meet requirements in the Transition Quarter and FY 1977.

Estimated Effects:

Advances are being made as planned and as justified to the Congress. The deferral has no effect on the estimates shown in the President's 1977 budget.

Outlay Effect (estimated in millions of dollars):

Outlay estimates for 1976 (consistent with the 1977 budget):	
1. Without rescission	8,512.2
2. With rescission	8,512.2
3. Current outlay savings (line 1 - line 2)	-0-
Outlay savings for the transition quarter	-0-
Outlay savings for 1977	-0-
Outlay savings for 1978	-0-

D76-85A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates deferral report No. D76-85 transmitted to the Congress on December 1, 1975, and printed as Senate Document No. 94-137 and House Document No. 94-311.

The amount being deferred in the State Department account "Special assistance to refugees from Cambodia and Vietnam" will be reduced by an estimated $25 million early in 1976 when that amount will be transferred--under the authority given to the President in the Migration and Refugee Assistance Act of 1962--to the Department of Health, Education, and Welfare for its use in meeting welfare and medical assistance needs of refugees from these two countries who are resettling in the United States.

Deferral No: D76-85A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. ____) $ ____
Bureau: Refugee and Migration Affairs	Other budgetary resources 305,000,000
Appropriation title & symbol: Special Assistance to Refugees from Cambodia and Vietnam	Total budgetary resources 305,000,000
	Amount to be deferred: Part of year $ 28,492,695
	Entire year -0-
OMB identification code: 14-25-1144-0-1-604	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year June 30, 1976 (expiration date)	☐ Contract authority
☐ No-year	☐ Other ____

Justification *

Public Law 94-23, approved May 23, 1975, authorized appropriations to relocate and resettle refugees from Cambodia and Vietnam in the United States and other countries. Public Law 94-24, approved the same date, appropriated $305,000,000 to the Department of State for these purposes. This appropriation, together with certain foreign assistance funds, financed the evacuation of refugees from Cambodia and Vietnam; the establishment, outfitting and staffing of refugee staging centers in the Pacific and reception centers in the United States; and contracts with voluntary agencies to recruit sponsors and to provide initial financial aid in settling refugees. All refugees now have left reception centers; however, certain resettlement activities will continue through June, 1976, by which time the State Department program must be completed, as required by P.L. 94-23.

The State Department has prepared a financial plan which, at this time, identifies $276,507,305 of requirements against this appropriation. Of the remaining $28.5 million, an estimated $25 million will be transferred early in 1976 under authority provided to the President by section 4(b) of the Migration and Refugee Assistance Act of 1962. The transfer will be made to the Department of Health, Education, and Welfare (HEW) account "Special Assistance to refugees from Cambodia and Vietnam in the United States". The transfer will enable HEW to meet the welfare and medical assistance requirements of needy Vietnamese and Cambodian refugees resettling in the United States. The final $3.5 million will be maintained as a reserve for contingencies under authority of the Antideficiency Act.

*Revised from previous report.

D76- 85 A

2

Estimated Effects:

No savings result from this deferral.

Outlay Effect: (estimated in millions of dollars)

Current outlay estimates for 1976 (consistent with 1977 budget):	
3. Without deferral	271.4
4. With deferral	271.4
5. Current outlay savings	-0-
Outlay savings for the Transition Quarter	-0-
Outlay savings for 1977	-0-
Outlay savings for 1978	-0-

D76-25D

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of P.L. 93-344

This report updates Deferral No. D76-25C transmitted to the Congress on November 18, 1975, and printed as House Document No. 94-309.

Another regularly scheduled revenue sharing payment to the city of Chicago has been deferred, in compliance with a court order. Consequently, the amount previously reported as deferred has increased by $19,160,671.

Deferral No: D76-25D

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512 _ _) $ 6,354,780,000
Bureau: Office of the Secretary	Other budgetary resources 20,554,230,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources 26,909,010,000
	Amount to be deferred: 1/ Part of year $ 95,016,857*
	Entire year None
OMB identification code: 15-70-8111-0-7-851	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other Civil Action No. 74-248
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year 12-31-76 (expiration date)	☐ Contract authority
☒ No-year	☐ Other

Justification*

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. Scheduled payments to State and local governments are made on a quarterly basis. In FY 1975 and FY 1976, five regularly scheduled payments to the city of Chicago have been deferred by the U.S. District Court, D. C., in Civil Action No. 74-248 for noncompliance with nondiscrimination requirements.

Estimated Effect*

The city of Chicago will not receive payments totaling $95 million until further action by the court. When the appropriate court order is issued, the deferred funds will be released.

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976 (consistent with 1977 budget):

1. Without deferral	$6,358.4
2. With deferral	6,358.4
3. Difference (line 1 - line 2)	.0

1/ Outlays only.

* Revised from previous submission.

2

D76-25D

Outlay Savings for the Transition Quarter.....	$	0
Outlay Savings for 1977.....		0
Outlay Savings for 1978.....		0

Deferral No: D76-100

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Science Foundation	New budget authority (P.L. 94-116): $710,000,000
Bureau: ---	Other budgetary resources: 5,000,000
Appropriation title & symbol: National Science Foundation Salaries and Expenses 496/70100	Total budgetary resources: $715,000,000
	Amount to be deferred: Part of year: $ ____ Entire year: 10,000,000
OMB identification code: 31-45-0100-0-1251	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/77 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

Deferral of $10 million in budget authority for science education will leave $65 million available for such activities. Deferral reflects the Administration's view that support for basic scientific research should take precedence over support of science education within a constrained National Science Foundation budget. Part or all of four activities have been selected for deferral. They are: education program restructuring, $2 million; pre-college curriculum development, $3 million; technical innovation, $1.1 million; and alternatives in higher education, $3.9 million. These activities are currently being reviewed by the Foundation with regard to effectiveness and the appropriateness of Federal support.

The proposed deferral is not expected to have any measurable impact on the future supply of scientists or engineers and will probably not have much effect on the quality of their training. Deferral will result in postponement for a few months of activities relating to certain inputs that affect the process--but not necessarily the product--of education, such as production of instructional materials and development of technological approaches.

D76-100

Outlay Effect (estimated in millions of dollars)

Current Outlay Estimates for 1976: (consistent with the 1977 budget):	
1. Without deferral	714.7
2. With deferral	714.7
3. Current outlay savings (line 1 - line 2)	-0-
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	6.0
Outlay Savings for 1978	4.0

[FR Doc.76-2612 Filed 1-26-76;3:20 pm]