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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6. The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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.

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Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PERSONNEL ADMINISTRATION AND LOANS, POLICY AND OPERATIONS

Miscellaneous Amendments

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective February 4, 1976. These amendments (1) revise the upper limit on voluntary employee contributions to System thrift plans, (2) eliminate certain restrictions on employee withdrawals of prior contributions to pension plans which are transferred to System thrift plans, (3) remove certain restrictions on the types of securities which may be used as collateral by other financing institutions in borrowing from or discounting with the Federal intermediate credit banks, (4) clarify the applicability of paragraph (b) of § 614.4590 of the regulations and (5) authorize restrictive endorsements of consolidated securities of Farm Credit banks being presented for exchange or conversion to book entry.

By a notice published in the FEDERAL REGISTER on December 24, 1975, interested persons were afforded the opportunity to file written comments or suggestions not later than January 23, 1976, on the amendments summarized in items (1) through (4) above. One comment was received and considered by the Federal Farm Credit Board, which adopted without change the regulations as published on December 24, 1975. The communication received is available for inspection in the office of the Director of Technical Services, Office of Credit and Operations, Farm Credit Administration, Washington, D.C. 20578.

The amendment summarized in item (5) above is technical in nature and enlarges, rather than restricts, the alternatives available to those holding the securities. It is determined, therefore, that notice of proposed rulemaking provided for in 5 U.S.C. 553 is unnecessary and any delay in the issuance of this amendment is not in the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraphs (c) and (d) of § 612.2291, paragraphs (a) and (b) of § 614.4590, § 614.4600 and § 615.5102. These amendments are as follows:

PART 612—PERSONNEL ADMINISTRATION

§ 612.2291 Thrift plan requirements.

* * * * *

(c) Voluntary employee contributions in excess of six percent but not beyond the Internal Revenue limit may be permitted, but in no event will such excess employee contributions be credited with a matching employer contribution.

(d) In the event prior employee contributions to a pension plan are transferred to the thrift plan, the value of such contributions may, at the option of each district board, be subject to the same withdrawal restrictions as defined in the thrift plan as are the voluntary contributions described in paragraph (a) of this section, or a district board may place additional restrictions on withdrawal.

Section 614.4590 is amended by revising paragraphs (a) and (b) as follows:

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4590 Direct loans to other financing institutions.

* * * * *

(a) *Classes of obligations approved as collateral.* The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions, subject to approval of the bank to which such securities are to be pledged:

(1) Obligations of bona fide farmers and ranchers arising from direct credit extension by the financing institution.

(2) Obligations set forth in § 615.5140 (a) of this chapter which have been approved by the Farm Credit Administration for investment by institutions of the System.

(b) *Purpose of direct loans or advances.* In making loans or advances to any other financing institution on the security of collateral other than that described in paragraph (a)(1) of this section, the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes.

§ 614.4600 General collateral.

Other financing institutions (except commercial banks), as a condition precedent to borrowing from or discounting with a Federal intermediate credit bank, shall pledge as collateral for any and all obligations to the bank, cash, securities set forth in § 615.5140(a) of this chapter which have been approved by the Farm Credit Administration for investment by institutions of the System, or other readily marketable securities of high rating in an amount equal to such portion of its capital as shall be determined by the bank. At the discretion of the bank, commercial banking institutions may also be required (unless prohibited by law or by supervisory authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral including all income derived, shall be available to secure any and all obligations to the bank whether direct or contingent, present or future.

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5102 Restrictive endorsements of bearer securities.

When consolidated obligations of the Farm Credit banks are being presented to Federal Reserve banks or branches, or to the Treasurer of the United States, by or through banks (including Farm Credit banks) for redemption, exchange, or conversion to book entry, such obligations may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated obligations of the Farm Credit banks so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6)

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

C. K. CARDWELL,
Acting Governor,
Farm Credit Administration.

[FR Doc.76-4487 Filed 2-13-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 302—DESIGNATION OF AREAS

Indian Reservations

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends 13 CFR Part 302 by revising § 302.4(a)(1).

Section 302.4 provides for designation of a redevelopment area on the basis that the area is an Indian reservation, Indian trust land area, or a restricted Indian-owned land area. Paragraph (a)(1) of that section limits the definition of an Indian reservation to lands for which a State or the Federal Government retains title. The purpose of this amendment is to revise the definition of an Indian reservation to permit the

designation of land which has been allotted to individual tribal members, and interspersed lands belonging to non-Indians.

In that the material contained herein is a matter relating to the EDA grant and loan program and because this amendment is intended to relieve a restriction upon eligible applicants for assistance, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Consideration has been given as to whether this amendment of the regulations constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines as issued by the Department of Commerce. It has been determined that this amendment does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, Part 302 is hereby amended.

1. Section 302.4 is amended by revising paragraph (a) (1) to read as follows:

§ 302.4 Standards for designation on the basis of Indian lands.

(a) * * *

(1) Indian reservations shall consist of land areas which by official Federal or State action or recognition have been reserved for the use and benefit of a specific Indian tribe or tribes, and shall include those lands to which the Federal or State Government retains title and may include tribally-owned lands, lands allotted to individual tribal members, and interspersed land belonging to non-Indians.

* * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10-4, 40 FR 56702)

Effective date. This amendment becomes effective on February 17, 1976.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107)

Dated: February 5, 1976.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.76-4413 Filed 2-13-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-5-AD; Amdt. 39-2515]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 200 and A100-1 Airplanes

Inspections have disclosed loose rivets in the P/N 101-524062-1 aft rudder push rod assemblies in some Beech Model 200 airplanes. This condition, if not detected and corrected, could cause loss of rudder control. The manufacturer has issued Beechcraft Service Instruction No. 0778-153 recommending inspection of these aft rudder push rod assemblies for loose rivets and replacement of any assemblies as necessary. Since the condition described herein is likely to exist in other airplanes of the same type design an Airworthiness Directive (AD) is being issued, applicable to Beech Models 200 and A100-1 airplanes, making compliance with the service instruction mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 200 and A100-1 (Serial Numbers B-2 through BB-58) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude loss of rudder control, within the next 50 hours' time in service after the effective date of this AD, accomplish the following:

(A) Inspect the P/N 101-524062-1 aft rudder push rod assembly for loose rivets securing the adapters to the aluminum tube in accordance with Beechcraft Service Instruction 0778-153, dated January, 1976, or later approved revisions. Replace any aft rudder push rod assembly having this condition with airworthy P/N 101-524062-1 aft rudder push rod assembly or P/N 101-524265-1 aft rudder push rod assembly.

(B) If a loose rivet or other defect is found as a result of the inspection required herein provide the FAA with written notification thereof utilizing Malfunction and Defect Report (FAA Form 8330-2) describing the condition and giving the total operating time on the airplane or part at the time of discovery (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(C) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 20, 1976.

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

Issued in Kansas City, Missouri, on February 5, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-4235 Filed 2-13-76;8:45 am]

[Docket No. 75-NW-41-AD; Amdt. 39-2516]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of flap tracks on Boeing Model 747 airplanes was published in FEDERAL REGISTER 40 FR 57811.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from the operators and the manufacturer. ATA member airlines believe AD action on the flap tracks is unnecessary because the tracks were designed to the fail safe requirements of FAR 25 and are maintained in accordance with approved air carrier maintenance programs. The agency does not agree that an approved maintenance program alone will assure structural integrity in parts with known defects whether the parts in question are designed to the safe life or fail safe criteria of FAR 25. The extent to which a part is fail safe is considered in determining the type of inspection required and the compliance times associated with the inspection.

The manufacturer requested the inspection interval of 1200 flights as proposed in the NPRM be increased to 2000 flights to agree with the interval recommended in their maintenance planning document, D6-13747. Their support for this position was based on the results obtained from fatigue tests conducted on a track with a crack in the vertical web and lower flange. The agency concurs with this recommendation since additional data has been submitted to justify the extension.

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

BOEING: Applies to all Model 747 series airplanes certificated in all categories except the Model 747SP. Compliance required as indicated.

To prevent failures of flap tracks accomplish the following:

Within the next 300 flights after the effective date of this AD, unless accomplished within the last 1700 flights and at intervals thereafter not to exceed 2000 flights visually inspect the following trailing edge flap tracks for cracks emanating from all fastener holes in the track webs (no disassembly of the track is necessary):

Track position numbers 1 and 8, part numbers 65B08012-4, 65B08011-7, and 65B08011-13. Track position numbers 2 and 7, part numbers 65B08006-3, 65B08005-5, and -9. Track position numbers 3 and 6, part numbers 65B07791-7, -8, 65B07789-23, -24, -27, and -28. Track position numbers 4 and 5, part numbers 65B07790-13, -14, -15, -16, -17, -18, 65B16624 all dash numbers.

If cracks are found, replace the flap track before further flight.

This amendment becomes effective March 19, 1976.

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

Issued in Seattle, Washington, February 6, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-4236 Filed 2-13-76;8:45 am]

[Docket No. 76-CE-3-AD; Amdt. 39-2510]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35 and 35-33 Series Airplanes

There have been reports of the tachometer cable housing shorting out on the hot post of the battery relay on Beech Model G-33 aircraft. This condition could result in smoke in the cockpit and damage to the aircraft's electrical system. Since the condition described herein is likely to exist or develop in airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to certain Beech 33, 35 and 35-33 series airplanes, requiring installation of a stand-off bracket on the battery box to support the tachometer cable housing which will preclude its contact with the battery relay.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 35-B33, 35-C33, E-33, F-33 and G-33 (Serial Numbers CD-388 thru CD-981 and CD-983 thru CD-1304); and Model P-35 (Serial Numbers D-6842 thru D-7139 and D-7141 thru D-7309) airplanes.

Compliance: Required as indicated unless already accomplished.

To preclude contact of the tachometer cable housing with the battery relay, within the next 50 hours' time in service after the effective date of this AD, install a tachometer cable housing stand-off bracket on the battery box and secure the tachometer cable housing to this bracket in accordance with Beechcraft Service Instruction No. 0784-241 or later FAA-approved revisions or by any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 17, 1976.

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

Issued in Kansas City, Missouri, on February 3, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-4228 Filed 2-13-76;8:45 am]

[Airworthiness Docket No. 75-WE-50-AD; Amdt. 39-2509]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

There have been instances of inability to disarm and retract the DC-10 spoiler handle subsequent to automatic ground spoiler deployment. This problem could pose a hazard while making touch-and-go landings. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require either deactivation and placarding inoperative the auto-spoilers or accomplishment of a one-time functional check on all DC-10 airplanes that have a spoiler control assembly P/N ABH 7220-505 or ABH 7220-507 that has not been modified in accordance with McDonnell Douglas DC-10 Service Bulletin No. 27-119. If the functional check reveals that the spoiler handle cannot be disarmed and retracted subsequent to automatic ground spoiler deployment, the AD requires rework of the speedbrake module assembly or deactiviting the auto-spoilers and placarding them inoperative.

The AD also provides for repetitive accomplishment of the functional check after maintenance on the affected assemblies, and modifications on spare assemblies prior to installation. Finally, in order to effect a terminating action as to the entire fleet, identification and removal of certain assembly parts are required.

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

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

MCDONNELL DOUGLAS. Applies to Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F and DC-10-40 airplanes, certificated in all categories.

Compliance required as indicated.

To prevent possible jamming of the spoiler handle subsequent to ground spoiler deployment, accomplish the following:

PART I. On those airplanes which incorporate a spoiler control assembly P/N ABH 7220-505 or ABH 7220-507 that has not been modified in accordance with McDonnell Douglas DC-10 Service Bulletin No. 27-119, dated May 29, 1975, or later FAA-approved revisions:

(a) Within 300 hours' additional time in service after the effective date of this AD, unless already accomplished, either

(1) Deactivate the autospoilers and placard them inoperative per McDonnell Douglas AOL 10-108, Revision "C", or later FAA-approved revisions; or

(2) Perform the functional check described in paragraph (3), below, and the corrective action set forth at paragraph (4), below, as necessary.

(3) The functional check is to determine if a condition exists where the spoiler handle cannot be disarmed and retracted subsequent to automatic ground spoiler deployment. The check is to be performed while the aircraft is on the ground. All three hydraulic systems must be pressurized for this check, and the flaps must be positioned to 25° or less.

(i) Place all 3 throttle levers at the idle position. Place the spoiler/speedbreak lever at the retract position, and lift up to arm the spoiler/speedbrake lever.

(ii) Lift number 1 and 3 engine reverse levers to the reverse thrust position. Observe that the spoiler/speedbrake lever is driven aft and latches in the ground spoiler detent.

(iii) Advance number 2 engine throttle lever to at least 2½ inches forward of the idle stop. Observe that the spoiler/speedbrake lever drops downward to unlatch from the ground spoiler detent and retracts completely and disarms as a result of number 2 engine throttle advancement.

(4) If the spoiler/speedbrake lever does not react as indicated in the functional check specified in paragraph (3), prior to further flight either deactivate and placard the auto-spoilers inoperative per McDonnell Douglas AOL 10-108, Revision "C", or later FAA-approved revision or modify the speedbrake module assembly, as applicable, in accordance with McDonnell Douglas DC-10 Service Bulletin No. 27-52, dated May 23, 1973, and McDonnell Douglas DC-10 Service Bulletin No. 27-51, Revision 1, dated September 23, 1975, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) After the effective date of this AD, each time the unmodified speedbrake module assembly undergoes maintenance, prior to further flight conduct the functional check specified in paragraph (a).

(c) After the effective date of this AD, prior to installation on an airplane, a spare speedbrake module assembly must be modified, as applicable, in accordance with McDonnell Douglas DC-10 Service Bulletin No. 27-52, dated May 23, 1973, and McDonnell Douglas DC-10 Service Bulletin No. 27-51, Revision 1, dated September 23, 1975, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

PART II. On all airplanes:

(a) Within the next 4000 hours additional time in service after the effective date of this AD, unless already accomplished, identify and remove speedbrake module assembly P/N ABH 7178-505, ABH 7178-509 or ABH 7178-511, if installed, and replace with P/N ABH 7178-517, ABH 7178-519, ABH 7178-521, ABH 7178-523, or other part approved by the Chief, Aircraft Engineering Division, FAA Western Region. Following accomplishment of this action, the specified functional check requirements of paragraph (a)(3) in Part I of this AD may be discontinued. Thereafter normal maintenance procedures are to be followed.

Special flight permits may be issued under FAR 21.197 and 21.199 for the purpose of operating the aircraft to a base to perform the requirements of this AD.

This amendment becomes effective February 17, 1976.

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

Issued in Los Angeles, California on January 30, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-4229 Filed 2-13-76;8:45 am]

[Docket No. 75-SO-141; Amdt. 39-2511]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2342, FR Doc. 75-21572, AD 75-18-03, to require fatigue preventive modification of the outer wing lower forward spar caps at OWS 54 and 108

in accordance with Lockheed Service Bulletin 382–187 on Lockheed Model 382 series airplanes was published in 40 FR 50544, dated October 30, 1975.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2342, FR Doc. 75–21572, AD 75–18–03, is amended by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382–187, or later FAA-Approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by this AD may be discontinued for those airplanes modified in accordance with the above paragraph.

This amendment becomes effective February 13, 1976.

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

Issued in East Point, Georgia on February 3, 1976.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.76–4230 Filed 2–13–76;8:45 am]

[Docket No. 75–SO–142; Amdt. 39–2512]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1867, FR Doc. 74–13289, AD 74–12–06, to require fatigue preventive modification at OWS 162 in acordance with Lockheed Service Bulletins 382–152 and 382–169 on Lockheed Model 382 Series airplanes was published in 40 FR 50545, dated October 30, 1975.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1867, FR Doc. 74–13289, AD 74–12–06, is amended by adding the following new paragraph at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382–152, Revision 2, and Alert Service Bulletin A382–169A, Revision 4, or later FAA-Approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective February 13, 1976.

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

Issued in East Point, Georgia on February 3, 1976.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.76–4231 Filed 2–13–76;8:45 am]

[Docket No. 75–SO–143; Amdt. 39–2513]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2249, FR Doc. 75–17068, AD 75–14–05, as superseded by Amendment 39–2362, FR Doc. 75–23706, AD 75–19–02, to require fatigue preventive modification of the outer wing lower aft spar caps at OWS 54 and 108 in accordance with Lockheed Service Bulletin 382–187 on Lockheed Model 382 series airplanes was published in 40 FR 50544, dated October 30, 1975.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2249, FR Doc. 75–17068, AD 75–14–05, as superseded by Amendment 39–2362, FR Doc. 75–23706, AD 75–19–02, is amended by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382–187, or later FAA-Approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by this AD may be discontinued for those airplanes which have been modified in accordance with the above paragraph.

This amendment becomes effective February 13, 1976.

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

Issued in East Point, Georgia on February 3, 1976.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.76–4232 Filed 2–13–76;8:45 am]

[Docket No. 75–SO–144, Amdt. 39–2514]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2343, FR Doc. 75–21571, AD 75–18–04, to require fatique preventive modification at OWS 35 in accordance with Lockheed Service Bulletin 382–57–43 on Lockheed Model 382 series airplanes was published in 40 FR 50545, dated October 30, 1975.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2343, FR Doc. 75–21571, AD 75–18–04, is amended by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382–57–43, or later FAA-Approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by this AD may be discontinued for those airplanes modified in accordance with the above paragraph.

This amendment becomes effective February 13, 1976.

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

Issued in East Point, Georgia, on February 3, 1976.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.76–4233 Filed 2–13–76;8:45 am]

[Airspace Docket No. 75–CE–16]

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

Alteration of Federal Airway Segments

On November 17, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 53270) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would: (1) realign V–12 between Columbia, Mo., and Troy, Ill., including an S alternate from Jefferson City, Mo., to Troy, Ill.; (2) realign V–14 between Vichy, Mo., and St. Louis, Mo.; (3) realign V–44 from Centralia, Ill., to the new Foristell VORTAC.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

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

1. In V–12 "Maryland Heights, Mo., including a S alternate from INT Macon, Mo., 202° and Columbia 273° radials to

INT Hallsville, Mo., 134° and Columbia 102°" is deleted and "Foristell, Mo., including a S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 125° and Columbia 092°" is substituted therefor.

2. In V–14 "St. Louis, Mo., including a N alternate;" is deleted and "Foristell, Mo.; St. Louis, Mo.;" is substituted therefor.

3. In V–44 "Maryland Heights, Mo." is deleted and "Foristell, Mo." is substituted therefor.

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

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

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

[FR Doc.76–4234 Filed 2–13–76;8:45 am]

[Airspace Docket No. 76–WA–2]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to lower the maximum ceiling within Restricted Area R–5701 Boardman, Oreg., from flight level 230 to flight level 200.

This change can be effected without detriment to the intended purpose of the restricted area and it will allow a portion of airspace to be returned to public use.

Since this amendment restores airspace to the public, it is a minor matter upon which the public would have no particular desire to comment, and notice and public procedure thereon are unnecessary. Also, as this action relieves a restriction upon the public, it may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective February 17, 1976, as hereinafter set forth.

In § 73.57 (41 FR 692) the boundaries and designated altitudes for Restricted Area R–5701 Boardman, Oreg., are amended by deleting "surface to flight level 230; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 230" and substituting "surface to flight level 200;" therefor.

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

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

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

[FR Doc.76–4227 Filed 2–13–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT ADMINISTRATION REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Clarification of Boycott Reporting Requirement

The FEDERAL REGISTER of November 26, 1975 (40 FR 54769) made significant changes in the Export Administration Regulations relating to restrictive trade practices and boycotts. To clarify what has since become an area of uncertainty and differing understandings in the export community, the following Supplement No. 1 is added to Part 369 (15 CFR Part 369):

SUPPLEMENT 1—INTERPRETATION OF PART 369

It has come to the attention of the Department that exporters to certain destinations in the Middle East are being requested by entities in the importing country to certify in the commercial documentation relating to the particular transaction that certain symbols not appear on the goods to be shipped or on the packaging.

It has also become evident that there is considerable uncertainty in the export community as to whether boycott-related requests for this type of certification fall within the provisions of § 369.2 or § 369.3 of the Export Administration Regulations. Widely varying interpretations have been given to certain terms by exporters and related service organizations. To alleviate unnecessary hardship and uncertainty, it is necessary to clarify this matter for purposes of Part 369.

A boycott-related request that a particular religious symbol not appear on goods or packages being exported will be deemed to have the effect of discriminating against U.S. citizens or firms on the basis of religion. References to the "Star of David," "Hexagonal star," "six point star," etc., will thus be deemed to refer to a religious symbol and, therefore, to fall within the prohibitions of § 369.2. On the other hand, a boycott-related request for certification with respect to the national origin of goods being exported or a particular national symbol will, in the absence of contrary evidence, be deemed to be an action in support of a foreign boycott which falls within the provisions of § 369.3.

The interpretations set forth in this Supplement will be enforced prospectively. No bank should issue, notify, advise, confirm (or enter into specific commitments to issue, notify, advise, or confirm) to the beneficiary thereof, any letter of credit containing a request for a "Star of David" or similar certification. However, if a bank has issued, notified, advised, confirmed (or entered into specific commitments to issue, notify, advise, or confirm) such a letter of credit, shipments by an exporter and payments by a bank thereunder will be viewed as completion of a pending commercial transaction and not as actions in furtherance of a boycott.

This Supplement is issued solely as an interpretation of Part 369. The Department continues to urge and request exporters and related service organizations not to comply with or respond to *any* boycott-related request. Publication of this Supplement will, for purposes of enforcement of Part 369, be viewed as actual notification to the export community of the interpretations set forth herein.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76–4414 Filed 2–13–76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12078]

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Interpretation of Certain Terms in Item 10 of Form BD

The Securities and Exchange Commission today announced the interpretation of certain terms in item 10 of Form BD [17 CFR 249.501], the Uniform Application for Registration, License or Membership as a Broker or Dealer [File No. S7–615].

The Commission adopted Form BD [17 CFR 249.501] (formerly Form U–3), the Uniform Application for Registration, License or Membership as a Broker or Dealer on May 16, 1975,[1] and subsequently modified the form on July 10, 1975, and August 29, 1975.[2]

All registrants are reminded that the Commission has required all brokers and dealers to file a revised Form BD [17 CFR 249.501] by January 29, 1976.[3] A failure to file the revised Form BD [17 CFR 249.501] constitutes a violation of Rule 15b3–1 [17 CFR 240.15b3–1] of the Securities Exchange Act of 1934. Any broker or dealer who has not done so should file revised Form BD [17 CFR 249.501] immediately.

Form BD [17 CFR 249.501] replaces the application forms required by the Commission, various self-regulators, and

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[1] Securities Exchange Act Release No. 11424, May 16, 1975, 40 FR 30634, July 22, 1975.

[2] Securities Exchange Act Release No. 11530, July 10, 1975, 40 FR 30636, July 22, 1975, and Release No. 11626, August 29, 1975, 40 FR 41521, September 8, 1975.

[3] Securities Exchange Act Release No. 11530, July 10, 1975, 40 FR 30636, July 22, 1975.

forty-eight states.[4] Use of the uniform form allows regulating agencies greater access to more meaningful data while decreasing the cost of compliance for registrants.

Subsequent to the adoption of modifications to Form BD [17 CFR 249.501], commentators have noted the need for interpretation of certain words and phrases, particularly in item 10. In order to determine whether applicants for registration meet the requirements imposed by Section 15(b) of the Securities Exchange Act of 1934 ("the Act") and to assure that all applicants are apprised of the nature and scope of the representations they must make in item 10, the Commission announces the following interpretations.

INTERPRETATION OF THE SCOPE OF ITEM 10: DEFINITION OF ANY EMPLOYEE

Commentators have reported that, in the context of item 10 which requires disclosure of certain actions taken by the Commission, and other regulatory and self-regulatory organizations, of association with particular persons or entities, and of specified criminal convictions, the meaning of the phrase "any employee" requires interpretation. Commentators have asked for clarification as to whether persons performing functions that are solely clerical or ministerial are excluded from the words "any employee." If clerical and ministerial employees are included, commentators have requested additional time in which to collect information necessary for the completion of this item and guidelines as to the extent to which they may rely upon questionnaires submitted by employees and associated persons in making the required representations.

The Commission has determined that an applicant is required to include representations as to clerical and ministerial employees in every subpart of item 10.

Section 15(b)(1) of the Act requires the Commission to deny registration after a finding that, if registered, an applicant would be subject to suspension or revocation of its registration under paragraph (4) of Section 15(b). Certain disciplinary action against a "person associated with a broker or dealer" pursuant to paragraph (6) may be a basis for a sanction of the broker or dealer under subparagraph (F) of paragraph (4). By virtue of the final parenthetical phrase in the definition of "associated person" in Section 3(a)(18), clerical and ministerial employees are subject to sanction under paragraph (6). Thus, the Act requires the Commission to consider the conduct of clerical and ministerial employees in evaluating an application for registration.

Accordingly, the Commission has determined in the public interest and for the protection of investors that the phrase "any employee" in item 10 is interpreted to include persons whose functions are solely clerical or ministerial.

The Commission recognizes that this interpretation may require an applicant to evaluate data and submit information which, under existing recordkeeping procedures and personnel practices, may not be readily available. The Commission has determined to permit registrants who are filing Form BD [17 CFR 249.501] as an update of an existing registration to submit, with a timely filing of Form BD [17 CFR 249.501] complete in all other respects, a plan for completion of item 10 with respect to clerical and ministerial employees. This plan should contain: a request for an extension of time in which to complete item 10, which extension shall be deemed granted within fifteen days of filing unless the Commission notifies the registrant to the contrary; representations that the firm is in the process of collecting the required information; a timetable of contemplated activity including the date, not later than July 28, 1976, on or before which a complete response to item 10 of Form BD [17 CFR 249.501] will be filed; and a factual justification for the proposal of such time period.

If such a plan is filed, item 10 should be designated by an asterisk with an appropriate legend at the foot of page 3 of Form BD [17 CFR 249.501] detailing the nature of representations made, noting that a plan has been filed with the Commission, and stating the date by which a complete filing will be made.[5]

INTERPRETATION OF PERSONS "ASSOCIATED" FOR PURPOSES OF ITEM 10(a)(ix)

Commentators have noted that item 10(a)(ix), which requires disclosure by every employee and other specified persons of association with any person subject to a statutory disqualification noted in item 10(a)(v)–(viii), may be unlimited in scope since neither the form nor the Act appears to specify the nature of the association which is the subject of inquiry.

The Commission has determined in the public interest and for the protection of investors that, as to individuals required to provide information in response to this item, the term should be interpreted to confine disclosure to activities related to business or financial endeavors, thus eliminating disclosure of purely social or fraternal relationships. An individual employee or other person enumerated will be considered to be "associated with" a person subject to a specified disqualification when that employee or other person enumerated himself employs or is employed by, or is a co-partner or co-venturer, whether formally by agreement or informally by conduct, with such a person.

INTERPRETATION OF "ANY PROCEEDINGS" FOR PURPOSES OF ITEM 10(c)

Commentators have requested further interpretation of the term "any proceedings" for the purposes of item 10(c), which requires disclosure of any proceedings in which an adverse decision would result in an affirmative response to any part of item 10. Commentators have expressed concern that the item may require disclosure of proceedings which the Commission or another regulator or self-regulator has determined should be private.

For purposes of item 10(c), the term "proceedings" includes proceedings brought by the Commission, regulators, and self-regulators and does not include investigations, arrests without convictions, and civil litigation not conducted by a self-regulatory or regulatory body.

The Commission has determined in the public interest and for the protection of investors that responses to item 10(c) shall include information with respect to all proceedings. However, an applicant may, if it elects to do so, answer item 10(c) on Form BD [17 CFR 249.501] with respect to public proceedings only if it also submits on a separately-bound Schedule D designated as "Schedule D—Private Proceedings" information with respect to private proceedings. If the applicant elects to submit a separately-bound "Schedule D—Private Proceedings" and, by accompanying letter, requests confidential treatment, this Schedule D shall not be part of the public file.

The Commission has determined that permitting confidential treatment for a separately-bound "Schedule D—Private Proceedings" preserves the policy judgment implicit in the determination by the Commission or a regulatory or self-regulatory organization to conduct private proceedings while allowing the Commission and other regulators and self-regulators to evaluate an application for registration in light of all relevant facts.[6]

THE USE OF QUESTIONNAIRES IN CONNECTION WITH COMPLETION OF ITEM 10

Commentators have noted that neither the "Special Instructions for Completing Form BD" nor the form itself set forth the extent to which an applicant may rely on questionnaires designed to elicit the information required to make the representations in item 10 as to its employees and associated persons.

The Commission has determined in the public interest and for the protection of investors that, with respect to a person

[4] New Jersey has not adopted Form BD [17 CFR 249.501]. As a result of a recently-enacted privacy law, California has not accepted Form BD [17 CFR 249.501]. The Commissioner of Corporations has implemented Form CBD while awaiting legal opinion on the construction of the statute as it impacts on certain items in Form BD [17 CFR 249.501] and exploring the possibility of clarifications in the form.

[5] If the broker or dealer has already filed Form BD [17 CFR 249.501] as an update to an existing registration, the broker or dealer may file promptly an amendment thereto containing the plan specified in this release and in all other respects complying with the interpretations in this release.

[6] With respect to the filing of such information with other regulatory bodies, however, the applicant should consult the appropriate state securities administrator to determine the proper method of disclosing the existence and nature of private proceedings in that jurisdiction.

employed by, or associated with, such broker-dealer, it would ordinarily be sufficient if the representations are based on answers to questionnaires, signed and submitted by each such person, which elicit the necessary information, unless specific facts indicate that further inquiry is necessary. However, the applicant is expected to conduct an appropriate and more extensive inquiry in the case of new principal officials, branch managers, registered representatives, employees handling customers' money or securities, and other associated persons.

Any such questionnaire which is used as the basis of representations made in item 10 should be periodically updated.

Any registrant or applicant who has filed Form BD [17 CFR 249.501] prior to the announcement of these interpretations and who, on the basis of this release, has reason to believe that its application is incomplete or inaccurate should promptly amend Form BD [17 CFR 249.501] to conform to the interpretations set forth in this release.

FILING REQUIREMENTS FOR SCHEDULE F, THE STATE SUPPLEMENTAL INFORMATION FORM

Commentators have expressed uncertainty as to the filing requirements of Schedule F, the State Supplemental Information Form, for a broker-dealer already registered in a particular state. Many of the documents listed are normally submitted only at the time of original application. Further in a number of instances, commentators have suggested that the nature or extent of information or documentation being requested as unclear.

Virtually all of the forty-eight states which have adopted Form BD [17 CFR 249.501] have developed, or are in the final stages of developing, instructions which describe the information which is required to be filed in the state and prescribe whether Schedule F will be used for renewal, registration, or both. Each registrant or applicant should contact the appropriate state securities administrator to obtain information concerning the requirements of that state.[7]

COMPETITIVE CONSIDERATIONS

The Commission has determined that these interpretations impose no burden on competition that is not necessary or appropriate in the public interest and for the protection of investors and in furtherance of the purposes of the Act.

SOLICITATION OF COMMENTS

The Commission continues to solicit comments with respect to Form BD [17 CFR 249.501] and, in particular, with respect to items 10(a)(x), 10(a)(xii), and the various interpretations set forth in this release in order that the goals of uniformity and simplicity may be achieved. Further, the Commission intends to continue to consult with the various state administrators and regulators using the uniform form and the Report Coordinating Group, a Federal advisory committee created to assist the achievement of uniformity in reporting and registration.

Interested persons should direct their comments on a continuing basis to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File S7-615. These comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-4453 Filed 2-13-76;8:45 am]

[7] The state of California has recently enacted Section 461 of the Business and Professions Code, which precludes any public agency from requesting or collecting information from individuals pertaining to arrests without conviction. Pursuant to this statute, the Commissioner of Corporations has, as an emergency measure, adopted a form for registration of brokers and dealers which, although it substantially parallels Form BD [17 CFR 249.501], excludes specific items on the current Form BD [17 CFR 249.501].

Title 20—Employees' Benefits

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

[Reg. No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED TITLE IV-BLACK LUNG BENEFITS (1969.....)

Requirements for Entitlement to Child's or Brother's Benefits

The amendments to regulations set forth below update the regulations with respect to child's and brother's benefits by changing the age at which a child or brother's disability must have occurred for him to become eligible for black lung benefits from age 18 to age 22.

Section 402(g) of the Federal Coal Mine Health and Safety Act of 1969, as amended, provides that an individual who is under a disability, as defined in section 223(d) of the Social Security Act, which began before the age specified in section 202(d)(1)(B)(ii) of the Social Security Act, is included in the definition of a child and can be eligible for benefits under the Federal Coal Mine Health and Safety Act.

Section 412(a)(5)(1)(B) of the Federal Coal Mine Health and Safety Act of 1969, as amended, provides as one of the criteria for entitlement to brother's benefits under the Federal Coal Mine Health and Safety Act that a brother be under a disability, as defined in section 223(d) of the Social Security Act, which began before the age specified in section 202(d)(1)(B)(ii) of the Social Security Act.

Section 108(a) of Public Law 92-603 amended section 202(d)(1)(B)(ii) of the Social Security Act by changing age 18 to age 22. Therefore, the regulations are being amended to reflect this legislative change which permits entitlement to benefits under the Federal Coal Mine Health and Safety Act of a child or brother whose disability began before age 22.

Since these amendments to the regulations merely reflect the legislative change discussed above, the Secretary of Health, Education, and Welfare finds that publication with notice of proposed rulemaking, as well as publication at least 30 days prior to an effective date, are unnecessary. However, consideration will be given to any comments, pertaining to these amendments, which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

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

(Secs. 402(g), 411(a), 412(a)(5), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 86 Stat. 152, 83 Stat. 793, as amended, 86 Stat. 150, 83 Stat. 798, 83 Stat. 803; 30 U.S.C. 902, 921(a), 922(a)(5), 936(a), and 957.)

Effective date: The amendments shall be effective February 17, 1976.

Dated: January 9, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.806, Special Benefits for Disabled Coal Miners.)

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 10, 1976.

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

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 410.214 is amended by revising paragraph (b)(2) to read as follows:

§ 410.214 Conditions of entitlement; parent, brother, or sister.

* * * * *

(b) In the case of a brother, he also:

* * *

(2) Is 18 years of age or older and is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d) (see Subpart P of Part 404 of this chapter), which began:

(i) Before he attained age 22, however, no entitlement to brother's benefits may be established for any month before January 1973, based on a disability which began after attainment of age 18; or

(ii) In the case of a student, before he ceased to be a student (see § 410.370(c)); or

* * * * *

2. Section 410.370 is amended by revising paragraph (b)(2) to read as follows:

§ 410.370 Determination of dependency; child.

* * * * *

(b) * * *

(2) Is 18 years of age or older and is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d) (see Subpart P of Part 404

of this chapter). For purposes of entitlement to benefits as a surviving child (see § 410.212), such disability must have begun:

(i) Before the child attained age 22; however, no entitlement to child's benefits may be established for any month before January 1973, based on a disability which began after attainment of age 18; or

(ii) In the case of a student, before he ceased to be a student (see paragraph (c) of this section); or

* * * * *

[FR Doc.76-4501 Filed 2-13-76;8:45 am]

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

Miscellaneous Amendments

On November 12, 1975, Secretary of Labor John T. Dunlop signed Secretary's Order 14-75 changing the title of the Assistant Secretary for Manpower to the Assistant Secretary for Employment and Training and changing the name of the Manpower Administration to the Employment and Training Administration (40 FR 54485). Secretary's Order 14-75 further directed the change of name of other Employment and Training Administration offices and titles in keeping with the new nomenclature of the Employment and Training Administration.

The Employment and Training Administration (ETA) is hereby amending its regulations at 20 CFR Chapter V to conform those regulations to the above cited change of names and titles. The Employment and Training Administration is also taking this opportunity to change other obsolete titles referenced in the regulations, to delete references to statutes which have been repealed, and to make other minor editorial changes.

Since this amendment to the regulations involves notice of change of titles of organizations and officials and other editorial changes, the amendments are being published in final form and will become effective February 17, 1976.

Accordingly 20 CFR Chapter V is amended as follows:

THROUGHOUT THE CHAPTER: NOMENCLATURE CHANGES

1. The title of the chapter is changed from Manpower Administration to Employment and Training Administration, Department of Labor, as set forth above.

2. Wherever the term "Manpower Administration" appears, there is substituted the term "Employment and Training Administration" or the acronym "ETA";

3. Wherever the term "United States Training and Employment Service" appears, there is substituted the term "United States Employment Service";

4. Wherever the terms "Regional Representative", "Regional Representative of the Manpower Administration", "Assistant Regional Director for Manpower", "Regional Manpower Administrator", or "ARDM" appear, there is substituted the term "Regional Administrator, Employment and Training Administration" or the acronym "RAETA";

5. Wherever the terms "Administrator", "Administrator of the Manpower Administration", or "Manpower Administrator" appear, there is substituted the term "Administrator, United States Employment Service" or "Administrator";

6. Whenever the acronym "ES—" appears, there is substituted the acronym "ETA–";

Specific Changes:

PART 601—ADMINISTRATIVE PROCEDURE

§ 601.2 [Amended]

7. At § 601.2(b), second sentence, the term "Manpower Administration" is changed to "central office";

§ 601.3 [Amended]

8. At § 601.3(b), first sentence, the phrase "of the Bureau" is deleted;

9. At § 601.3(b), second sentence, the term "Bureau" is changed to "central office";

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

§ 602.1 [Amended]

10. At § 602.1(e), first sentence, the phrase "manpower responsibilities" is changed to "employment and training responsibilities";

11. At § 602.1(e), the second sentence is deleted;

12. At § 602.1(f), everything following "Employment Service"; is deleted;

13. At § 602.9(a), the parenthetical phrase "(United States Training and Employment Service)" is deleted;

14. At § 602.9(b), the parenthetical phrase "(United States Training and Employment Service)" is deleted;

15. At § 602.10(a), the parenthetical phrase "(8 CFR 214.2(h)(2)(ii))" is corrected to read "(8 CFR 214.2(h)(3))";

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

§ 603.1 [Amended]

16. At § 603.1, first sentence, the phrase "to the Manpower Administration" is deleted;

17. At § 603.1(a) the last sentence is deleted as redundant;

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

18. § 604.21(b)(4) is revised to read:

§ 604.21 Employability development services.

* * * * *

(b) * * *

(4) to refer applicants to appropriate services, to employment, or to programs such as those provided under the Comprehensive Employment and Training Act, the Vocational Education Act, and the Social Security Act;

* * * * *

This change is made because the Comprehensive Employment and Training Act programs are the successor programs to those formerly administered by the Department under the Manpower Development and Training Act and the Economic Opportunity Act;

§ 604.21 [Amended]

19. At § 604.21(b), paragraph (9) is deleted and paragraph (10) is renumbered (9); Title IB of the Economic Opportunity Act has been repealed;

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

§ 618.14 [Amended]

20. At § 618.14(k), the parenthetical phrase "(now Employment and Training Administration)" is added after the words "Manpower Administration";

PART 620—HOUSING FOR AGRICULTURAL WORKERS

§ 620.2 [Amended]

21. At § 620.2(b), second sentence, the phrase "of the Farm Labor and Rural Manpower Service of the Manpower Administration" is deleted;

Secretary's Order 14-75 (40 FR 54485).

Signed at Washington, D.C., this 10th day of February 1976.

BEN BURDETSKY,
Acting Assistant Secretary for Employment and Training.

[FR Doc.76-4499 Filed 2-13-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0010]

PART 121—FOOD ADDITIVES

Polyoxymethylene Copolymer

The Food and Drug Administration is amending the food additive regulations (21 CFR Part 121) to provide for the use of polyoxymethylene copolymer as an article or component of articles intended to contact food; effective February 17, 1976; objections by March 18, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 7, 1974 (39 FR 16180), that a petition (FAP 3B2871) had been filed by Celanese Plastics Co., P.O. Box 1000, Summit, NJ 07901, proposing that the food additive regulations be amended to provide for safe use of polyoxymethylene copolymer and terpolymer produced by using trioxane, ethylene oxide, and butanedioldiglycidyl ether as reactants and calcium ricinoleate, cyanoguanidine, 2-hydroxy-4-methoxy benzophenone, 2,2'-methylenebis(4-methyl-6-*tert*-butylphenol), N,N'-distearoylethylenediamine, and tetrakis [methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as optional adjuvant substances in articles intended to contact food.

The petitioner subsequently amended the petition by deleting the reactant butanedioldiglycidyl ether, the adjuvant 2-hydroxy-4-methoxy-benzophenone, and the proposed terpolymer use.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Subpart F of Part 121 is amended as follows:

1. By adding to § 121.2566(b) new limitations to the existing items "2,2'-Methylenebis(4-methyl-6-*tert*, butylphenol)" and "Tetrakis [methylene (3,5-di - *tert* - buty - 4 - hydroxyhydrocinnamate)] methane," and by adding the new items "Calcium ricinoleate" and "Cyanoguanidine," to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * * * *	
Calcium ricinoleate.	For use only at levels not to exceed 1 pct by weight of polyoxymethylene copolymer as provided in sec. 121.2636(b)(1).
* * * * *	
Cyanoguanidine ...	For use only at levels not to exceed 1 pct by weight of polyoxymethylene copolymer as provided in sec. 121.2636(b)(1).
* * * * *	
2,2' - Methylenebis (4 - methyl - 6 - *tert* - butylphenol).	For use only: 1. At levels not to exceed 0.1 pct by weight of olefin polymers complying with sec. 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4 used in articles that contact food of the types identified in sec. 121.2526(c), table 1, under categories I, II, IV-B, VI, VII-B, and VIII. 2. At levels not to exceed 1 pct by weight of polyoxymethylene copolymer as provided in sec. 121.2636(b)(1).
* * * * *	
Tetrakis [methylene(3,5-di-*tert*-butyl - 4 - hydroxy - hydrocinnamate)] methane.	For use only: * * * 4. At levels not to exceed 1 pct by weight of polyoxymethylene copolymer as provided in sec. 121.2636(b)(1).
* * * * *	

2. By adding new § 121.2637 to read as follows:

§ 121.2637 Polyoxymethylene copolymer.

Polyoxymethylene copolymer identified in this section may be safely used as an article or component of articles intended for food-contact use in accordance with the following prescribed conditions:

(a) *Identity.* For the purpose of this section, polyoxymethylene copolymer [Chemical Abstracts Service Registry Number 30754-12-2] is the reaction product of trioxane (cyclic trimer of formaldehyde) and ethylene oxide to which may have been added certain optional substances to impart desired technological properties to the copolymer.

(b) *Optional adjuvant substances.* The polyoxymethylene copolymer identified in paragraph (a) of this section may contain optional adjuvant substances required in its production. The quantity of any optional adjuvant substance employed in the production of the copolymer does not exceed the amount reasonably required to accomplish the intended technical or physical effect. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and the following:

(1) Stabilizers (total amount of stabilizers not to exceed 2.0 percent and amount of any one stabilizer not to exceed 1.0 percent of copolymer by weight):

Calcium ricinoleate.
Cyanoguanidine.
2,2' - Methylenebis(4 - methyl - 6 - *tert*-butylphenol).
Tetrakis [methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane.

(2) Lubricant: N,N'-Distearoylethylenediamine.

(c) *Specifications.* (1) Polyoxymethylene copolymer can be identified by its characteristic infrared spectrum.

(2) Minimum number average molecular weight of the copolymer is 20,000 as determined by a method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, (HFF-330), 200 C St. SW., Washington, DC 20204.

(d) *Extractive limitations.* (1) Polyoxymethylene copolymer in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food and under conditions of time and temperature as determined from Tables 1 and 2 of § 121.2514(d), shall yield net chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface.

(2) Polyoxymethylene copolymer with or without the optional substances described in paragraph (b) of this section, when ground or cut into particles that pass through a U.S.A. Standard Sieve No. 6 and that are retained on a U.S.A. Standard Sieve No. 10, shall yield total extractives as follows:

(i) Not to exceed 0.20 percent by weight of the copolymer when extracted for 6 hours with distilled water at reflux temperature.

(ii) Not to exceed 0.15 percent by weight of the copolymer when extracted for 6 hours with n-heptane at reflux temperature.

(e) *Conditions of use.* (1) The polyoxymethylene copolymer is for use as articles or components of articles intended for repeated use.

(2) Use temperature shall not exceed 250° F.

(3) In accordance with good manufacturing practice, finished articles containing polyoxymethylene copolymer shall be thoroughly cleansed before their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before March 18, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 17, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: February 6, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4412 Filed 2-13-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0160]

PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

Tobramycin Antibiotic Susceptibility Discs

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, regarding approval of the antibiotic susceptibility disc tobramycin, 10 micrograms.

The Commissioner concludes that data supplied by the manufacturer about the tobramycin drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for certification of this diagnostic drug.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 460 is amended as follows:

1. In § 460.1, paragraphs (a), (c)(1)(ii), and Tables E and F of paragraph (c)(2) are amended by alphabetically inserting a new item in the lists therein, as follows:

§ 460.1 Certification procedures for antibiotic susceptibility discs.

(a) * * *

Tobramycin: 10 mcg.

* * * * * * * * * * *

(c) * * *

(1) * * *

(ii) * * *

Name of Disc	*Content of antibiotic in micrograms or units per disc*
Tobraycin dis m/c	10 mcg. tobramycin.

* * * * * * * * * * *

(2) * * *

E. Interpretation of zone sizes

* * * * * * * * * * *

Antibiotic	Disc content	Diameter (millimeters) of zone of inhibition		
		Resistant	Intermediate	Susceptible
Tobramycin	10 mcg	11 or less	12–13	14 or more.

F. Reference organisms

* * * * * * * * * * *

Antibiotic	Disc content	Individual tests		
		Zone diameter in millimeters		Permitted millimeter difference ATCC 25923–ATCC 25922
		With *S. aureus* ATCC 25923 [1]	With *E. coli* ATCC 25922 [1]	
Tobramycin	10 mcg	19–29	18–26	

* * * * * * * * * * *

[1] Available from: American Type Culture Collection, 12301 Parklawn Dr., Rockville, Md. 20852.

2. Section 460.6 is amended in paragraphs (c) (3) and (d) by alphabetically inserting a new item in the tables, and by revising paragraph (e) (1) to read as follows:

§ 460.6 Tests and methods of assay for potency of antibiotic susceptibility discs.

* * * * * * * * * * *

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
Tobramycin	0.5	3 C	C	

* * * * * * * * * * *

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Tobramycin	Water	5, 10, and 20 μg.

* * * * * * * * * * *

(e) *Assay*—(1) *Individual discs one-fourth inch in diameter*—(i) *Standard curves with five antibiotic concentrations.* On each of five plates prepared as directed in paragraph (c) of this section, place the five control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to another disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32° C to 35° C, except if it is cephalothin, colistin, novobiocin, polymyxin, or viomycin, the incubation temperature is 37° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the five standard-curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Use the following equation to calculate the best straight line:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = the calculated zone size of the low concentration;

H = the calculated zone size of the high concentration;

a, b, c, d, e = the observed average zone sizes for each respective concentration, a being that for the lowest concentration.

Plot the values obtained for L and H and connect these two points with a straight line. Average the six sample zone sizes and read the corresponding antibiotic concentration of this mean from the standard curve. This is the potency obtained for a single assay. Perform two or more replicate assays on each of 2 days. The average of all assays is the potency of the sample disc.

(ii) *Standard curves with three antibiotic concentrations.* On each of three plates prepared as directed in paragraph (c) of this section, place the three control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to any other disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32° C to 35° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the three standard curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Using the following equation to calculate the best straight line:

$$L=\frac{5a+2b-c}{6},$$

$$H=\frac{5c+2b-a}{6},$$

where:

L = calculated zone diameter of the lowest concentration of the standard curve;

H = calculated zone diameter of the highest concentration of the standard curve;

a, b, c = observed average zone sizes for each respective concentration, a being that for the lowest concentration.

Plot the values obtained for L and H and connect these two points with a straight line. Average the six sample zone sizes and read the corresponding antibiotic concentration of this mean from the standard curve. This is the potency obtained for a single assay. Perform two or more replicate assays on each of 2 days. The average of all assays is the potency of the sample disc.

* * * * * * * * * * *

Since the conditions prerequisite to providing for certification of the subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedures are not prerequisites to this promulgation.

Effective date. This order shall become effective February 17, 1976.

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

Dated: January 28, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4410 Filed 2-13-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 658—VEHICLE SIZE AND WEIGHT ENFORCEMENT

State Certification

● **The purpose of this document is to amend 23 CFR 658.9 by adopting the amendment proposed in a notice of proposed rulemaking published in the FEDERAL REGISTER (40 FR 54812) on November 26, 1975. 23 CFR 658.9 pertains to annual State certifications of vehicle size and weight enforcement on all Federal-aid highways, as required by 23 U.S.C. 141.** ●

The basic thrust of this amendment is to consolidate and simplify certain of the certification requirements, and to add the the category of vehicle unloadings to the present requirement of reporting State remedial actions.

The sole comment on the proposed amendment was offered by the State of Ohio by the Director of its Department of Transportation. Ohio notes that its Highway Patrol records do not separate weight from size violations, the latter being minimal. It also suggests that separate reporting of unloading or load shifting on vehicles would be burdensome, since Ohio requires these measures incident to every overweight arrest, whether for gross or axle load.

The requirement of reporting both weight and size violations was not generated by the existing or proposed rule, but by the underlying statute, 23 U.S.C. 141, which requires State certification of size and weight enforcement. The Federal Highway Administration recognizes that the problem of oversize is a numerically small one, since most vehicles are built to a certain nonexpandable size. Usually, it is a load which extends outside of the vehicle that provokes an arrest. Where a State is unable to certify, through logs or similar exact records, the precise number of such apprehensions, a well-founded estimate by the State officer responsible for this area of enforcement will suffice until State reports can be modified.

Where a State, like Ohio, requires either unloading of the whole vehicle for gross weight violations, or shifting of the load for axle weight violations, in the case of every overweight apprehension, no additional reporting is required. A simple statement in the certificate that unloading or load shifting was required in all such cases will suffice for Federal purposes. Distinction need not be made between gross and axle violation unloading or load shifts since the term "unloading" is broad enough to cover both.

For the foregoing reasons, the proposed rule amending 23 CFR 658.9(b) is hereby adopted without change as set forth below.

(Sec. 106, 114, P.L. 93-643, 80 Stat. 2281; 23 U.S.C. 127, 154, 315; delegation at 49 CFR 1.48)

EFFECTIVE DATE: This amendment becomes effective on February 17, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Section 658.9 is amended by revising paragraph (b) as follows:

§ 658.9 Certification of size and weight enforcement.

* * * * *

(b) A statement by the Governor of the State, or an official designated by the Governor, that all size and weight limits are being enforced on the Federal-aid primary, urban, and secondary systems, including the Interstate System. The statement shall include the following information relating to enforcement along the Federal-aid highway systems during the 12-month period ending on the September 30 before the date by which certification is required:

(1) A copy of any State law or regulation pertaining to vehicle sizes and weights adopted since the State's last certification;

(2) [Reserved]

(3) The number of fixed scales operated by the State;

(4) The number of portable scales operated by the State;

(5) The number of vehicles weighed or measured, respectively;

(6) [Reserved]

(7) The separate numbers of citations, assessments, unloadings, or arrests, for size and for weight violations respectively; and

(8) The numbers of State oversize and overweight permits issued, respectively, classified according to the duration of their effectiveness.

[FR Doc.76-4389 Filed 2-13-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7400]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Disposition of Qualified Low-Income Housing

Correction

In FR Doc. 76-3348, appearing at page 5100 in the issue for Wednesday, February 4, 1976, make the following changes:

1. In the second column, page 5101, in § 1.1250.3(h)(2), delete "[(h)(1)(i)]." in the second and fourth lines.

2. In § 1.1250.3(h)(3), example (3), first column page 5102, should read as set forth below:

Example (3). The facts are the same as in example (2) except that the cost of the replacement section 1250 property is $4,500,000 and the cost of the other property is $1,000,000. Thus, the replacement section 1250 properly consists of two elements under section 1250(d)(8)(E). The reinvestment element (section 1250(d)(8)(E)(1)) has a basis of $3,000,000, that is, $4,000,000 (that portion of the section 1250 property acquired the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of), reduced by $1,000,000 (the gain not recognized attributable to the section 1250 property disposed of). The basis of the other property is $800,000, that is, its cost ($1,000,000) reduced by the remaining gain not recognized ($200,000). The additional cost element (section 1250(d)(8)(E)(ii)) has a basis of $500,000, that is, the portion of the section 1250 property acquired the cost of which exceeds the net amount realized attributable to the section 1250 properly disposed of. This amount ($500,000) is not reduced by any amount of gain not recognized because all of the gain not recognized has already been taken into account in determining the basis of the reinvestment element and the other replacement property that is not section 1250 property.

SUBCHAPTER A—INCOME TAX

[T.D. 7406]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Medical Research Organizations

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for May 22, 1971 (33 FR 9298) amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to define certain medical research organizations under section 170(b)(1)(A)(iii) of the Internal Revenue Code of 1954. A public hearing was held with respect to such proposed notice of rulemaking on June 28, 1971. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes, are adopted by this document.

Section 170(b)(1)(A) describes charitable organizations of a public nature contributions to which generally may be deducted to the extent of 50 percent of an individual donor's income, as compared to 20 percent in the case of certain nonoperating private charities. Section 170(b)(1)(A)(iii) includes in this group of public charities, those organizations which are medical research organizations directly engaged in the continuous active conduct of medical research in conjunction with a hospital, and which are committed to expend such contributions before January 1 of the fifth calendar year which begins after the date the contribution is made.

These regulations require that an organization be itself engaged in the active conduct of medical research rather than merely disbursing funds to other organizations. In order for an organization to be primarily engaged in the continuous active conduct of medical research, it must be expending a significant percentage of its endowment for, or have devoted a substantial part of its assets to, such conduct.

Generally, these regulations expand upon the provisions of the notice of proposed rule making. Specific rules with respect to the definition of "continuous active conduct of medical research" are clarified and amended, and certain rules with respect to operating requirements are added.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In view of the foregoing, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

Immediately after § 1.170A-9(c)(1) insert the following subparagraph:

§ 1.170A-N Definition of section 170 (b)(1)(A) Organization.

* * * * *

(c) * * *

(2) *Certain medical research organizations*—(i) *Introduction.* A medical research organization is described in section 170(b)(1)(A)(iii) if the principal purpose or functions of such organization are medical research and if it is directly engaged in the continuous active conduct of medical research in conjunction with a hospital. In addition, for purposes of the 50 percent limitation of section 170(b)(1)(A) with respect to a contribution, during the calendar year in which the contribution is made such organization must be committed to spend such contribution for such research before January 1 of the fifth calendar year which begins after the date such contribution is made. An organization need not receive contributions deductible under section 170 to qualify as a medical research organization and such organization need not be committed to spend amounts to which the limitation of section 170(b)(1)(A) does not apply within the 5-year period referred to in this subdivision. However, the requirement of continuous active conduct of medical research indicates that the type of organization contemplated in this subparagraph is one which is primarily engaged directly in the continuous active conduct of medical research, as compared to an inactive medical research organization or an organization primarily engaged in funding the programs of other medical research organizations. As in the case of a hospital, since an organization is ordinarily not described in section 170(b)(1)(A)(iii) as a hospital unless it functions primarily as a hospital, similarly a medical research organization is not so described unless it is primarily engaged directly in the continuous active conduct of medical research in conjunction with a hospital. Accordingly, the rules of this subparagraph shall only apply with respect to such medical research organizations.

(ii) *General rule.* An organization (other than a hospital described in subparagraph (1) of this paragraph) is described in section 170(b)(1)(A)(iii) only if within the meaning of this subparagraph:

(*a*) The principal purpose or functions of such organization are to engage primarily in the conduct of medical research, and

(*b*) It is primarily engaged directly in the continuous active conduct of medical research in conjunction with a hospital which is (*1*) described in section 501(c)(3), (*2*) a federal hospital, or (*3*) an instrumentality of a governmental unit referred to in section 170(c)(1).

However, in order for a contribution to such organization to qualify for purposes of the 50 percent limitation of section 170(b)(1)(A), during the calendar year in which such contribution is made or treated as made, such organization must be committed (within the meaning of subdivision (viii) of this subparagraph) to spend such contribution for such active conduct of medical research before January 1 of the fifth calendar year beginning after the date such contribution is made. For the meaning of the term "medical research" see subdivision (iii) of this subparagraph. For the meaning of the term "principal purpose or functions" see subdivision (iv) of this subparagraph. For the meaning of the term "primarily engaged directly in the continuous active conduct of medical research" see subdivision (v) of this subparagraph. For the meaning of the term "medical research in conjunction with a hospital" see subdivision (vii) of this subparagraph.

(iii) *Definition of medical research.* Medical research means the conduct of investigations, experiments, and studies to discover, develop, or verify knowledge relating to the causes, diagnosis, treatment, prevention, or control of physical or mental diseases and impairments of man. To qualify as a medical research organization, the organization must have or must have continuously available for its regular use the appropriate equipment and professional personnel necessary to carry out its principal function. Medical research encompasses the associated disciplines spanning the biological, social and behavioral sciences. Such disciplines include chemistry (biochemistry, physical chemistry, bioorganic chemistry, etc.), behavioral sciences (psychiatry, physiological psychology, neurophysiology, neurology, neurobiology, and social psychology, etc.), biomedical engineering (applied biophysics, medical physics, and medical electronics, *e.g.*, developing pacemakers and other medically related electrical equipment), virology, immunology, biophysics, cell biology, molecular biology, pharmacology, toxicology, genetics, pathology, physiology, microbiology, parasitology, endocrinology, bacteriology, and epidemiology.

(iv) *Principal purpose or functions.* An organization must be organized for the principal purpose of engaging primarily in the conduct of medical research in order to be an organization meeting the requirements of this subparagraph. An organization will normally be considered to be so organized if it is expressly organized for the purpose of conducting medical research and is actually engaged primarily in the conduct of medical research. Other facts and circumstances, however, may indicate that an organization does not meet the principal purpose requirement of this subdivision even where its governing instrument so expressly provides. An organization that otherwise meets all of the requirements of this subparagraph (including this subdivision) to qualify as a medical research organization will not fail to so qualify solely because its governing instrument does not specifically state that its principal purpose is to conduct medical research.

(v) *Primarily engaged directly in the continuous active conduct of medical research.* (*a*) In order for an organization to be primarily engaged directly in the continuous active conduct of medical research, the organization must either devote a substantial part of its assets to, or expend a significant percentage of its endowment for, such purposes, or both. Whether an organization devotes a substantial part of its assets to, or makes significant expenditures for, such continuous active conduct depends upon the facts and circumstances existing in each specific case. An organization will be treated as devoting a substantial part of its assets to, or expending a significant percentage of its endowment for, such purposes if it meets the appropriate test contained in paragraph (c)(2)(v)(*b*) of this section. If an organization fails to satisfy both of such tests, in evaluating the facts and circumstances, the factor given most weight is the margin by which the organization failed to meet such tests. Some of the other facts and circumstances to be considered in making such a determination are:

(*1*) If the organization fails to satisfy the tests because it failed to properly value its assets or endowment, then upon determination of the improper valuation it devotes additional assets to, or makes additional expenditures for, such purposes, so that it satisfies such tests on an aggregate basis for the prior year in addition to such tests for the current year.

(*2*) The organization acquires new assets or has a significant increase in the value of its securities after it had developed a budget in a prior year based on the assets then owned and the then current values.

(*3*) The organization fails to make expenditures in any given year because of the interrelated aspects of its budget and long-term planning requirements, for example, where an organization prematurely terminates an unsuccessful program and because of long-term planning requirements it will not be able to establish a fully operational replacement program immediately.

(*4*) The organization has as its objective to spend less than a significant percentage in a particular year but make up the difference in the subsequent few years, or to budget a greater percentage earlier year and a lower percentage in in a later year.

(*b*) For purposes of this section, an organization which devotes more than one half of its assets to the continuous active conduct of medical research will be considered to be devoting a substantial part of its assets to such conduct within the meaning of paragraph (c)(2)(v)(*a*) of this section. An organization which expends funds equaling 3.5 percent or more of the fair market value of its endowment for the continuous active conduct of medical research will be

considered to have expended a significant percentage of its endowment for such purposes within the meaning of paragraph (c)(2)(v)(*a*) of this section.

(*c*) Engaging directly in the continuous active conduct of medical research does not include the disbursing of funds to other organizations for the conduct of research by them or the extending of grants or scholarships to others. Therefore, if an organization's primary purpose is to disburse funds to other organizations for the conduct of research by them or to extend grants or scholarships to others, it is not primarily engaged directly in the continuous active conduct of medical research.

(vi) *Special rules.* The following rules shall apply in determining whether a substantial part of an organization's assets are devoted to, or its endowment is expended for, the continuous active conduct of medical research activities:

(*a*) An organization may satisfy the tests of paragraph (c)(2)(v)(*b*) of this section by meeting such tests either for a computation period consisting of the immediately preceding taxable year, or for the computation period consisting of the immediately preceding four taxable years. In addition, for taxable years beginning in 1970, 1971, 1972, 1973, and 1974, if an organization meets such tests for the computation period consisting of the first four taxable years beginning after December 31, 1969, an organization will be treated as meeting such tests, not only for the taxable year beginning in 1974, but also for the preceding four taxable years. Thus, for example, if a calendar year organization failed to satisfy such tests for a computation period consisting of 1969, 1970, 1971, or 1972, but on the basis of a computation period consisting of the years 1970 through 1973, it expended funds equalling 3.5 percent or more of the fair market value of its endowment for the continuous active conduct of medical research, such organization will be considered to have expended a significant percentage of its endowment for such purposes for the taxable years 1970 through 1974. In applying such tests for a four-year computation period, although the organization's expenditures for the entire four-year period shall be aggregated, the fair market value of its endowment for each year shall be summed, even though, in the case of an asset held throughout the four-year period, the fair market value of such an asset will be counted four times. Similarly, the fair market value of an organization's assets for each year of a four-year computation period shall be summed.

(*b*) Any property substantially all the use of which is "substantially related" (within the meaning of section 514(b)(1)(A)) to the exercise or performance of the organization's medical research activities will not be treated as part of its endowment.

(*c*) The valuation of assets must be made with commonly accepted methods of valuation. A method of valuation made in accordance with the principles stated in the regulations under section 2031 constitutes an acceptable method of valuation. Assets may be valued as of any day in the organization's taxable year to which such valuation applies, provided the organization follows a consistent practice of valuing such asset as of such date in all taxable years. For purposes of paragraph (c)(2)(v) of this section, an asset held by the organization for part of a taxable year shall be taken into account by multiplying the fair market value of such asset by a fraction, the numerator of which is the number of days in such taxable year that the foundation held such asset and the denominator of which is the number of days in such taxable year.

(vii) *Medical research in conjunction with a hospital.* The organization need not be formally affiliated with a hospital to be considered primarily engaged directly in the continuous active conduct of medical research in conjunction with a hospital, but in any event there must be a joint effort on the part of the research organization and the hospital pursuant to an understanding that the two organizations will maintain continuing close cooperation in the active conduct of medical research. For example, the necessary joint effort will normally be found to exist if the activities of the medical research organization are carried on in space located within or adjacent to a hospital, the organization is permitted to utilize the facilities (including equipment, case studies, etc.) of the hospital on a continuing basis directly in the active conduct of medical research, and there is substantial evidence of the close cooperation of the members of the staff of the research organization and members of the staff of the particular hospital or hospitals. The active participation in medical research by members of the staff of the particular hospital or hospitals will be considered to be evidence of such close cooperation. Because medical research may involve substantial investigation, experimentation and study not immediately connected with hospital or medical care, the requisite joint effort will also normally be found to exist if there is an established relationship between the research organization and the hospital which provides that the cooperation of appropriate personnel and the use of facilities of the particular hospital or hospitals will be required whenever it would aid such research.

(viii) *Commitment to spend contributions.* The organization's commitment that the contribution will be spent within the prescribed time only for the prescribed purposes must be legally enforceable. A promise in writing to the donor in consideration of his making a contribution that such contribution will be so spent within the prescribed time will constitute a commitment. The expenditure of contributions received for plant, facilities, or equipment, used solely for medical research purposes (within the meaning of subdivision (ii) of this subparagraph), shall ordinarily be considered to be an expenditure for medical research. If a contribution is made in other than money, it shall be considered spent for medical research if the funds from the proceeds of a disposition thereof are spent by the organization within the five-year period for medical research; or, if such property is of such a kind that it is used on a continuing basis directly in connection with such research, it shall be considered spent for medical research in the year in which it is first so used. A medical research organization will be presumed to have made the commitment required under this subdivision with respect to any contribution if its governing instrument or by-laws require that every contribution be spent for medical research before January 1 of the fifth year which begins after the date such contribution is made.

(ix) *Organizational period for new organizations.* A newly created organization, for its "organizational" period, shall be considered to be primarily engaged directly in the continuous active conduct of medical research in conjunction with a hospital within the meaning of subdivisions (v) and (vii) of this subparagraph if during such period the organization establishes to the satisfaction of the Commissioner that it reasonably can be expected to be so engaged by the end of such period. The information to be submitted shall include detailed plans showing the proposed initial medical research program, architectural drawings for the erection of buildings and facilities to be used for medical research in accordance with such plans, plans to assemble a professional staff and detailed projections showing the timetable for the expected accomplishment of the foregoing. The "organizational" period shall be that period which is appropriate to implement the proposed plans, giving effect to the proposed amounts involved and the magnitude and complexity of the projected medical research program, but in no event in excess of three years following organization.

(x) *Examples.* The application of this subparagraph may be illustrated by the following examples:

Example (1). N, an organization referred to in section 170(c)(2), was created to promote human knowledge within the field of medical research and medical education. All of N's assets were contributed to it by A and consist of a diversified portfolio of stocks and bonds. N's endowment earns 3.5 percent annually, which N expends in the conduct of various medical research programs in conjunction with Y hospital. N is located adjacent to Y hospital, makes substantial use of Y's facilities and there is close cooperation between the staffs of N and Y. N is directly engaged in the continuous active conduct of medical research in conjunction with a hospital, meets the principal purpose test described in subdivision (iv) of this subparagraph, and is therefore an organization described in section 170(b)(1)(A)(iii).

Example (2). O, an organization referred to in section 170(c)(2), was created to promote human knowledge within the field of medical research and medical education. All of O's assets consist of a diversified portfolio of stocks and bonds. O's endowment earns 3.5 percent annually, which O expends in the conduct of various medical research pro-

grams in conjunction with certain hospitals. However, in 1974, O receives a substantial bequest of additional stocks and bonds. O's budget for 1974 does not take into account the bequest and as a result O expends only 3.1 percent of its endowment in 1974. However, O establishes that it will expend at least 3.5 percent of its endowment for the active conduct of medical research for taxable years 1975 through 1978. O is therefore directly engaged in the continuous active conduct of medical research in conjunction with a hospital for taxable year 1975. Since O also meets the principal purpose test described in subdivision (iv) of this subparagraph, it is therefore an organization described in section 170(b)(1)(A)(iii) for taxable year 1975.

Example (3). M, an organization referred to in section 170(c)(2), was created to promote human knowledge within the field of medical research and medical education. M's activities consist of the conduct of medical research programs in conjunction with various hospitals. Under such programs, researchers employed by M engage in research at laboratories set aside for M within the various hospitals. Substantially all of M's assets consists of 100 percent of the stock of X corporation, which has a fair market value of approximately 100 million dollars. X pays M approximately 3.3 million dollars in dividends annually, which M expends in the conduct of its medical research programs. Since M expends only 3.3 percent of its endowment, which does not constitute a significant percentage, in the active conduct of medical research, M is not an organization described in section 170(b)(1)(A)(iii) because M is not engaged in the continuous active conduct of medical research.

(xi) *Special rule for organizations with existing ruling.* This subdivision shall apply to an organization that prior to January 1, 1970, had received a ruling or determination letter which has not been expressly revoked holding the organization to be a medical research organization described in section 170(b)(1)(A)(iii) and with respect to which the facts and circumstances on which the ruling was based have not substantially changed. An organization to which this subdivision applies shall be treated as an organization described in section 170(b)(1)(A)(iii) for a period not ending prior to 90 days after February 13, 1976 (or where appropriate, for taxable years beginning before such 90th day). In addition, with respect to a grantor or contributor under sections 170, 507, 545(b)(2), 556(b)(2), 642(c), 4942, 4945, 2055, 2106(a)(2), and 2522, the status of an organization to which this subdivision applies will not be affected until notice of change of status under section 170(b)(1)(A)(iii) is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply if the grantor or contributor had previously acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as a section 170(b)(1)(A)(iii) organization.

* * * * *

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 10, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76-4457 Filed 2-13-76;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by Section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(m) in accordance with the requirements of § 1601.12(i)(1).

The amended § 1601.12(m) sets forth those state and local agencies which have been formally designated as 706 Agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this amendment to § 1601.12(m) effectuates the formal designation of the following agencies as 706 Agencies:

Allentown (Pennsylvania) Human Relations Commission.
Charleston (West Virginia) Human Rights Commission.
Fairfax County (Virginia) Human Rights Commission.
Montgomery County (Maryland) Human Relations Commission.
Pittsburgh (Pennsylvania) Commission on Human Relations.
Wheeling (West Virginia) Human Rights Commission.

Notice of the proposed designation of the foregoing agencies as 706 Agencies was published in the December 30, 1975, issue of the FEDERAL REGISTER, 40 FR 6676, with notice that written comments must have been filed with the Commission on or before January 23, 1976.

With the addition of the foregoing agencies, § 1601.12(m) is amended to read as follows:

§ 1601.12 Deferrals to State and local authorities.

* * * * *

(m) * * * The designed 706 Agencies are:

Alaska, Commission for Human Rights.
Allentown, Human Relations Commission.
Arizona, Civil Rights Division.
Baltimore, Community Relations Commission.
Bloomington, Human Rights Commission.
California, Fair Employment Practices Commission.
Charleston, Human Rights Commission.
Colorado, Civil Rights Commission.
Connecticut, Commission on Human Rights and Opportunties.
Dade County, Fair Housing and Employment Commission.
Delaware, Department of Labor.
District of Columbia, Office of Human Rights.
East Chicago, Human Relations Commission.
Fairfax County, Human Rights Commission.
Gary, Human Relations Commission.
Idaho, Commission on Human Rights.
Illinois, Fair Employment Practices Commission.
Indiana, Civil Rights Commission.
Iowa, Commission on Civil Rights.
Kansas, Commission on Civil Rights.
Kentucky, Commission on Human Rights.
Maine, Human Relations Commission.
Maryland, Commission on Human Relations.
Massachusetts, Commission Against Discrimination.
Michigan, Civil Rights Commission.
Minneapolis, Department of Civil Rights.
Minnesota, Department on Human Rights.
Missouri, Commission on Human Rights.
Montana, Commission for Human Rights.
Montgomery County, Human Relations Commission.
Nebraska, Equal Opportunity Commission.
Nevada, Commission on Equal Rights of Citizens.
New Hampshire, Commission for Human Rights.
New Jersey, Division on Civil Rights, Department of Law and Public Safety.
New York City, Commission on Human Rights.
New York State, Division of Human Rights.
Ohio, Civil Rights Commission.
Oklahoma, Human Rights Commission.
Omaha, Human Relations Department.
Oregon, Bureau of Labor.
Pennsylvania, Human Relations Commission.
Philadelphia, Commission on Human Relations.
Pittsburgh, Commission on Human Relations.
Rhode Island, Commission for Human Rights.
Rockville (Maryland), Human Rights Commission.
Seattle, Human Rights Commission.
Springfield (Ohio), Human Relations Department.
South Dakota, Human Relations Commission.
Tacoma, Human Rights Commission.
Utah, Industrial Commission.
Virgin Islands, Department of Labor.
Washington State, Human Rights Commission.
West Virginia, Human Rights Commission.
Wheeling, Human Rights Commission.
Wichita, Commission on Civil Rights.
Wisconsin, Equal Rights Division, Department of Industry, Labor and Human Relations.
Wyoming, Fair Employment Practices Commission.

The designated Notice Agencies are:

Arkansas, Governor's Committee on Human Resources.
Florida, Commission on Human Relations.
Georgia, Governor's Council on Human Relations.
Montana, Department of Labor and Industry.
North Dakota, Commission on Labor.
Ohio, Director of Industrial Relations.
South Carolina, Human Affairs Commission.

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. Sec. 2000e-12(a))

This amendment is effective February 17, 1976.

Signed at Washington, D.C. this 10th, day of February 1976.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-4500 Filed 2-13-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 213—WATER RESOURCES PROJECTS

PART 266—PROJECT DEAUTHORIZATION REVIEW PROGRAM

Rescission of Part

Part 213 has been superseded by Part 266 of this Chapter, effective September 15, 1975. Part 213 was published for only the first year implementation of the Project Deauthorization Program. Part 266 was published under proposed rulemaking and then adopted to provide policies and procedures for annual reports to be submitted to Congress by the Chief of Engineers. Therefore, Part 213, Water Resources Projects, is rescinded effective September 15, 1975.

Dated: February 9, 1976.

RUSSELL J. LAMP,
Colonel,
Corps of Engineers, Executive.

[FR Doc.76-4385 Filed 2-13-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 955—RULES OF PRACTICE BEFORE THE BOARD OF CONTRACT APPEALS

Revision of Rules of Practice

The Chairman of the Board of Contract Appeals, acting in accordance with authority delegated to him by 39 CFR 224.1(c)(5)(v)(A), hereby adopts a complete revision of Part 955 of title 39, CFR, which contains the Rules of Practice Before the Board of Contract Appeals.

Accordingly, Part 955 of title 39, Code of Federal Regulations, is revised to read as follows:

Sec.

955.1 Jurisdiction, procedure, representation of parties.

PRELIMARY PROCEDURES

955.2 Appeals, how taken.
955.3 Notice of appeal, contents of.
955.4 Forwarding of appeals.
955.5 Preparation, contents, organization, forwarding, and status of appeal file.
955.6 Dismissal for lack of jurisdiction.
955.7 Pleadings.
955.8 Amendments of pleadings or record.
955.9 Hearing election.
955.10 Prehearing briefs.
955.11 Prehearing or presubmission conference.
955.12 Submission without a hearing.
955.13 Optional accelerated procedure.
955.14 Settling the record.
955.15 Discovery—depositions.
955.16 Interrogatories to parties, admission of facts, and production and inspection of documents.
955.17 Service of papers.

HEARINGS

955.18 Where and when held.
955.19 Notice of hearings.
955.20 Unexcused absence of a party.
955.21 Nature of hearings.
955.22 Examination of witnesses.
955.23 Copies of papers.
955.24 Posthearing briefs.
955.25 Transcript of proceedings.
955.26 Withdrawal of exhibits.

REPRESENTATION

955.27 The appellant.
955.28 The respondent.

DECISIONS

955.29 Decisions.

MOTION FOR RECONSIDERATION

955.30 Motion for reconsideration.

DISMISSALS

955.31 Dismissal without prejudice.
955.32 Dismissal for failure to prosecute.

EX PARTE COMMUNICATION

955.33 Ex parte communications.

SANCTIONS

955.34 Sanctions.

EFFECTIVE DATE AND APPLICABILITY

955.35 Effective date and applicability.

AUTHORITY: 39 U.S.C. 204, 401.

§ 955.1 Jurisdiction, procedure, representation of parties.

(a) *Jurisdiction for considering appeals.* The U.S. Postal Service Board of Contract appeals (referred to herein as the "Board") shall consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Postmaster General or his duly authorized representative or board. In addition the Board shall have jurisdiction over other matters assigned to it by the Postmaster General. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Postmaster General himself.

(b) *Organization and location of the Board.* (1) The Board is located in Washington, D.C., and its mailing address is 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

(2) The Board consists of the Judicial Officer as Chairman, and the Administrative Law Judges of the Postal Service. All members of the Board shall be attorneys at law duly licensed by any state, commonwealth, territory, or the District of Columbia. In general, the appeals are assigned to a panel of at least three members of the Board. The decision of a majority of the panel constitutes the decision of the Board.

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

(d) *Board of contract appeals procedure*—(1) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(2) *Administration and Interpretation of Rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

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

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

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

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

(5) *Place of filings.* Unless the Board otherwise directs, all notices of appeal, pleadings and other communications shall be filed with the Docket Clerk of the Board at its offices in the United States Postal Service Headquarters Building, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Communications to the Board shall be addressed to Board of Contract Appeals, United States Postal Service, Washington, D.C. 20260.

(e) *Representation of parties.* Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

PRELIMINARY PROCEDURES

§ 955.2 Appeals, how taken.

Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is

taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 955.3 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 955.7 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 955.4 Forwarding of appeals.

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

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

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

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

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

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

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

(5) Any additional information considered pertinent.

Within the same time above specified Postal Service counsel shall furnish the appellant a copy of each document he transmits to the Board, except those stated in paragraph (a)(2) of this section, as to which a list furnished appellant indicating specific contractual documents transmitted will suffice, and those stated in paragraph (d) of this section.

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

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

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

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record as evidence in accordance with § 955.14 and § 955.21.

§ 955.6 Dismissal for lack of jurisdiction.

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

§ 955.7 Pleadings.

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

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

§ 955.8 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 955.5, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the documentation required pursuant to § 955.5 (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 955.9 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 955.7(b), appellant shall advise whether he desires a hearing as prescribed in §§ 955.18 through 955.26, or whether, in the alternative, he elects to submit his case on the record without a hearing, as prescribed in § 955.12. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 955.13.

§ 955.10 Prehearing briefs.

Based on an examination of the documentation described in § 955.5, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit

prehearing briefs in any case in which a hearing has been elected pursuant to § 955.9. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 955.11 Prehearing or presubmission conference.

Whether the case is to be submitted pursuant to § 955.12, or heard pursuant to §§ 955.18 through 955.26, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a Board Member for a conference to consider:

(a) The simplification or clarification of the issues;

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

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

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

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

The results of the conference shall be reduced to writing by the Board Member and this writing shall thereafter constitute part of the record.

§ 955.12 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 955.14. Submission of the case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 955.24.

§ 955.13 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board Member with the concurrence of the Chairman or a designated member; except that in cases involving $5,000 or less where there has been a hearing, the single Board Member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 955.30 commences.

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

§ 955.14 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 955.5, and to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

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

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

§ 955.15 Discovery—depositions.

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

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

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

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

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

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

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be controlled by § 955.15.

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

shall be deemed admitted upon the failure of a party to respond to the request for admission.

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

§ 955.17 Service of papers.

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

HEARINGS

§ 955.18 Where and when held.

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

§ 955.19 Notice of hearings.

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

§ 955.20 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 955.12.

§ 955.21 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding officer in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding officer. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 955.22 Examination of witnesses.

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

§ 955.23 Copies of papers.

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

§ 955.24 Posthearing briefs.

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

§ 955.25 Transcript of proceedings.

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

§ 955.26 Withdrawal of exhibits.

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

REPRESENTATION

§ 955.27 The Appellant.

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

§ 955.28 The Respondent.

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

DECISIONS

§ 955.29 Decisions.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made solely upon the record, as described in § 955.14.

MOTION FOR RECONSIDERATION

§ 955.30 Motion for reconsideration.

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

DISMISSALS

§ 955.31 Dismissal without prejudice.

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

without prejudice, the dismissal shall be deemed with prejudice.

§ 955.32 Dismissal for failure to prosecute.

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

EX PARTE COMMUNICATIONS

§ 955.33 Ex Parte Communications.

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

SANCTIONS

§ 955.34 Sanctions.

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

EFFECTIVE DATE AND APPLICABILITY

§ 955.35 Effective date and applicability.

These rules shall take effect on February 18, 1976. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

EDWARD F. LUSSIER,
Chairman,
Board of Contract Appeals.

[FR Doc.76-4523 Filed 2-17-76;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Deferral of Claims

Notice of proposed rule making to establish formal procedures for the deferral of claims for Federal financial participation was published in the FEDERAL REGISTER on August 14, 1975, (40 FR 34138). The purpose of the regulation is to establish procedures for identifying and processing claims for Federal financial participation under the public assistance titles of the Social Security Act, where the allowability of the claim is subject to question. The proposal specified that it is the State's obligation to establish to the satisfaction of the Regional Office that the claim is allowable.

A total of 29 responses was received: 20 from State Welfare Agencies; 1 from a city Welfare Department; 1 from a U.S. Representative; 3 from Governors; 1 from a State legislator; 1 from the American Public Welfare Association (APWA); 1 from a County Welfare Department; and, 1 from the National Association of Counties. The major concerns expressed in these comments are discussed below.

STATUTORY AUTHORITY

While 3 respondents recognized the need to establish uniform procedures to be used by the Regional Offices in identifying and processing claims whose allowability is subject to question, all were opposed to this regulation. Many believe that the Secretary lacks statutory authority to defer questioned claims. Their position is that HEW's only options are to pay the claim and perform a subsequent evaluation of whether the claim met all requirements for Federal financial participation or to disallow the claim.

Response: Under the Act, the Secretary has no authority to pay claims (subject only to later disallowances as a result of an audit exception or financial management review) no matter how questionable they may appear. The Secretary must determine that the expenditures for which Federal matching is claimed by the State were properly made under the State plan. Concomitant with this responsibility is the authority to defer claims for a reasonable period of time pending a determination of their allowability or unallowability. Any other interpretation would require the Secretary to authorize Federal financial participation in potentially unallowable claims in violation of the statutory mandate. The basis for this regulation is the Secretary's belief that to handle questionable claims on any other basis would be contrary to his statutory responsibilities under the Social Security Act.

TIME FRAME

Nine responses commented on the time frame established by the regulation for action on a deferred claim. Four State agencies and APWA criticized the potential delay, which could be up to approximately 6½ months before the Regional Commissioner must take action on a deferred claim. Two commenters indicated that the extent of the delay could result in severe cash flow problems. One indicated that the State had no remedy if HEW takes longer than the proposed time frame. Two respondents felt that the regulation at 45 CFR 201.15(c)(1) should indicate when initial deferral action will be taken by the Regional Commissioner. Two States indicated that 120 days may not be enough time to gather and process the voluminous documentation that may be required by the Regional Commissioner.

Response: The time frame in the proposed regulation was designed to assure adequate time for handling the most complex claims. We expect the regional offices to handle deferrals as expeditiously as possible. The regulation has been changed to require that any deferral action be initiated within 60 days after the State's Quarterly Statement of Expenditures has been received by the Regional Commissioner.

The time periods for action on a deferred claim are considered reasonable since the States have direct control over more than ½ of the potential time lapse. 45 CFR 201.15(c)(6) provides that if the Regional Commissioner does not take final action to allow or disallow the deferred expenditure within the time period, the claim will be paid.

HEW feels that 120 days is sufficient time to make available requested supporting documents and materials. Some form of documentation must be used in the preparation of the original claim. Making that documentation available to the Regional Commissioner in readily reviewable form should impose no substantial additional burden.

EXTENT OF DEFFERRAL

One State agency commented that the language at 45 CFR 201.15(c)(1) seemed to provide for deferring an entire claim when only a portion of it was questionable.

Response: The regulation now makes clear that if only a portion is questionable, only that portion will be deferred.

CRITERIA

Six State agencies and APWA criticized the regulation's failure to establish objective, substantive criteria to be used by the Regional Commissioner to determine which claims are of "questionable allowability". They felt that, without better guidelines, the regulation could not be interpreted and applied consistently, and valid claims would be "subject to the whims of the various Regional Commissioners".

Response: This regulation merely codifies present practice, which has been in effect since 1973; no abuse of this authority has been documented. This is supported by the fact that only about two percent of the amounts claimed on expenditure reports submitted within the past year were determined sufficiently questionable to be deferred. The close working relationship between Regional Office personnel and the States should resolve most questions, leaving only the more complex problems subject to the deferral procedure. Although SRS explored the possibility of establishing criteria to determine when a claim was "questionable", due to the wide variety of claims it was not possible to do so. SRS will continue to consider the question as experience develops, and where possible, will provide guidelines to its Regional Commissioners.

RETROACTIVE CLAIMS

Nine respondents were concerned that all retroactive claims would automa-

tically be subject to deferral procedures. They felt that there was no justification for automatically treating any retroactive claim as being of questionable allowability. Two State agencies feared that under this regulation the Regional Commissioner would reduce their initial estimate, and then automatically defer the difference between the reduced estimate and the ultimate actual expenditures.

Response: Claims in excess of estimated expenditures are not necessarily subject to question. However, a retroactive claim pertains to a reporting period for which a State had already submitted a certified expenditure statement. HEW therefore believes that the State should fully establish the allowability of such additional claim prior to payment.

If the State has readily available for the Regional Commissioner's review adequate documentation of the retroactive claim at the time of submittal it would be possible in many instances for the Regional Commissioner to make the determination of allowability without deferring the claim. If the State can make such documentation available for review in advance of submitting the retroactive claim the possibility of deferral would be further reduced.

BURDEN OF PROOF

Six State agencies and APWA objected to the provision at 45 CFR 201.15(c)(7) which makes it "the responsibility of the State agency to establish the allowability of a deferred claim". APWA states that the effect of this regulation is "to establish a presumption that no expenditure submitted by a state is valid until HEW declares it to be so." Three comments suggested that shifting the "burden of proof" to the States in this manner is a direct contradiction of not only the spirit but the letter of the Act.

Response: The statute authorizes the Secretary to pay only those expenditures which are properly subject to Federal financial participation; therefore, unless the Department is able to determine that an expenditure is appropriate it cannot by law allow it to be paid. The burden of properly documenting their claims has always rested with the States.

This regulation is merely a codification of the procedures that the SRS Regional Offices have been using in the approval of SRS–OA–41 expenditure reports. Although some comments cited the potential for abuses, the fact is that to date none have been reported or documented. One State reported that the current procedure used to validate expenditure reports, including the use of deferrals, has "worked well and with no unreasonable deferrals or unreasonable delay on deferred items." This State considers a regulation unnecessary and describes the operation of the current procedures as follows:

> The Regions are supposed to be * * * in close and frequent contact with their States. They have large numbers of financial management and audit personnel as well as technical program personnel. They know (or should know) their States' approved public assistance plans, payment systems, accounting system, and Federal reporting systems. They know (or should know) the "track record" of their various States regarding the accuracy and validity of their expenditure reports in the past—especially as related to prior period adjustments which Regional personnel have investigated. Upon receipt of a State's SRS–OA–41 series of reports, a 2 or 3 day review is more than sufficient for competent Regional personnel to identify any items of the claim which need a closer look. A phone call to the appropriate State personnel describing the problem(s) and requesting that the State personnel brief themselves on the details of these items and assemble the documentation in preparation for a field visit to the State by Regional personnel during the following week would be adequate notice to the State personnel who have just completed developing and preparing the claim. Then a 3 to 5 day field visit could be made by the appropriate Regional Financial Management personnel (and program personnel, if necessary) to investigate the details of all adjustments and any other problem items. Such visit would provide sufficient time to thoroughly check all items to the point of acceptance as submitted or to identify those items that definitely require further review before approval or denial and which must therefore be deferred in the current SRS–AO–41. All of this activity can occur easily within the time period the Region has to prepare its recommendations to the Social and Rehabilitation Service Central Office after receiving a copy of the SRS–OA–41 from the States.
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> * * * * *
>
> Items deferred in the above procedure should be resolved by the Region through approval or denial before the due date for submittal by the State of the next SRS–OA–41. The appropriate Regional personnel should spend the necessary time in the State's offices to examine all the State's support for the deferred items necessary for Regional determination of approval or disapproval.

The Regional Offices are expected to work closely with the States in discovering and resolving questionable claims, in the manner illustrated above. While in no way interfering with this working relationship, the deferral regulation establishes a procedure and a definite time-table to be used, if necessary, to provide the Regional Commissioner with the necessary documentation to assure that the allowability or disallowability of a complex claim can be determined as expeditiously as possible.

After due consideration of all comments and objections received, the proposed regulation, as modified, is adopted.

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new § 201.15 to read as follows:

§ 201.15 Deferral of claims for Federal financial participation.

(a) *Scope.* Except as otherwise provided, this section applies to all claims for Federal financial participation submitted by States pursuant to titles I, IV, VI, X, XIV, XVI, XIX, or XX of the Social Security Act.

(b) *Definitions.* (1) *"Deferral Action"* means the process of suspending payment with respect to a claim within the scope of paragraph (a) of this section, pending the receipt and analysis of further information relating to the allowability of the claim, under the procedures specified in this section.

(2) *"Deferred claim"* means a claim within the scope of paragraph (a) of this section upon which a deferral action has been taken.

(c) *Procedures.* (1) A claim or any portion of a claim for reimbursement for expenditures reported on the Quarterly Statement of Expenditures shall be deferred only when the Regional Commissioner believes the claim or a specific portion of the claim is of questionable allowability. The deferral action will be taken within 60 days after receipt of a Quarterly Statement of Expenditures prepared in accordance with instructions issued by the Service.

(2) When deferral action is taken on a claim, the Regional Commissioner will within 15 days send written notice to the State identifying the type and amount of the claim and the reason for deferral. In the written notice of the deferral action, the Regional Commissioner will request the State to make available for inspection all documents and materials which the Regional office then believes necessary to determine the allowability of the claim.

(3) Within 60 days of receipt of the Regional Commissioner's notice of deferral action described in paragraph (c)(2) of this section the State shall make available to the Regional office, in readily reviewable form, all requested documents and materials, or when necessary, shall identify those documents and items of information which are not available. If the State requires additional time to make the documents and material available, it shall upon request be given an additional 60 days.

(4) The Regional office will normally initiate the review within 30 days of the date that materials become available for review.

(5) If the Regional Commissioner finds that the documents and materials are not in readily reviewable form or that supplemental information is required, he will promptly notify the State. The State will have 15 days from the date of notification to complete the action requested. If the Regional Commissioner finds that the documents necessary to determine the allowability of the claim are not made available within the allowed time limits, or that the documents are not made available in readily reviewable form, he shall promptly disallow the claim.

(6) The Regional Commissioner will have 90 days after all documentation is available in readily reviewable form to determine the allowability of the deferred claim. If the Regional Commissioner is unable to complete the review within the time period the claim will be paid subject to a later determination of allowability.

(7) It is the responsibility of the State agency to establish the allowability of a deferred claim.

(8) The Regional Office will notify the State in writing of the decision on the allowability of the deferred claim.

(9) If a deferred claim is disallowed, the Regional Commissioner shall advise the State of its right to reconsideration pursuant to § 201.14.

(10) A decision to pay a deferred claim shall not preclude a subsequent disallowance as a result of an audit exception or financial management review. If a subsequent disallowance should occur, the State, upon request shall be granted reconsideration pursuant to § 201.14.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Programs Nos. 13.714—Assistance, 13.761—Public Assistance-Maintenance Assistance (State Aid), 13.724—Public Assistance-State and Local Training, 13.754—Public Assistance Social Services)

Effective Date: This regulation is effective February 17, 1976, with respect to all claims for Federal financial participation arising thereafter, and with respect to all pending claims for Federal financial participation, except that with respect to such pending claims, the time limits imposed by paragraph (c)(1) and (c)(3) and (c)(6) shall not begin to run until after the date of publication in the FEDERAL REGISTER.

Dated: December 19, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: February 10, 1976.
DAVID MATHEWS,
Secretary.

[FR Doc.76-4503 Filed 2-13-76;8:45 am]

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 304—FEDERAL FINANCIAL PARTICIPATION

Public Sources of State's Share

Part 304 of Chapter III, Title 45 of the Code of Federal Regulations is amended to provide that child support enforcement expenditures made by another public agency, when certified to the State IV-D agency, may be used as the non-Federal share in claiming Federal reimbursement under title IV-D.

Regulations published on June 26, 1975 (40 FR 27154) require the transfer of funds from other public agencies to the State IV-D agency when such funds are used as the non-Federal share in claiming Federal reimbursement in expenditures under title IV-D.

The purpose of the amendment is to make unnecessary the often burdensome procedures required for transfer of funds. The revised regulation will continue to permit transferred funds to be used as the non-Federal share and will also allow certified expenditures made by other public agencies to constitute the non-Federal share of expenditures claimed for Federal reimbursement by the State IV-D agency.

The basis of this regulation is the Department's belief that this change will promote proper and efficient administration of the Child Support Program.

Good cause exists to dispense with proposed rule making procedures. The regulation must be changed immediately to facilitate the claiming of Federal reimbursement for Child Support Enforcement in expenditures by public agencies other than the State IV-D agency.

However, any written comments, suggestions, or objections addressed to the Acting Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, and received on or before March 18, 1976, will be considered with a view to possible revision of this regulation.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

Section 304.30 is revised to read as follows:

§ 304.30 Public sources of State's share.

(a) Public funds, other than those derived from private resources, used by the IV-D agency for its child support enforcement program may be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Appropriated directly to the IV-D agency; or

(2) Funds of another public agency which are: (i) Transferred to the IV-D agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing expenditures under the State's IV-D plan, subject to the limitations of this part.

(b) Public funds used by the IV-D agency for its child support enforcement program may not be considered as the State's share in claiming Federal reimbursement where such funds are:

(1) Federal funds, unless authorized by Federal law to be used to match other Federal funds;

(2) Used to match other Federal funds.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. The regulations in this section are effective on August 1, 1975.

Dated: December 3, 1975.

JOHN A. SVAHN,
Acting Director,
Office of Child Support Enforcement.

Approved: February 10, 1976.
DAVID MATHEWS,
Secretary.

[FR Doc.76-4502 Filed 2-13-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[RM-1891, RM-2444; FCC 76-93]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Identification Announcements

1. The Commission has before it two petitions for rule making that seek changes in the rules governing station identification announcements. In the first, (RM-1891) Straus Communications, Inc., seeks relaxation of the requirement that in making the announcement the name of the city of license must immediately follow the station's call sign. In the second petition (RM-2444) William E. Loucks seeks a requirement that the state as well as the city of license be included in required station identification announcements. Straus' petition was supported by KGMI, Inc. No other filings were received regarding it, and no response at all was received regarding the Loucks petition.

2. Straus contends that no purpose is served by literal adherence to the provisions of § 73.1201(b)(1) which requires that in station identification announcements, the station's call sign shall be "immediately followed by the name of the community or communities specified in its license as the station's location." It would have the Commission amend the rules to permit the station to insert the name of the licensee between the call letters and the station location.[1] Straus sees no purpose being served by precluding the insertion of "a short, truthful and non-misleading phrase identifying the licensee." In its view, allowing this would enhance rather than interfere with the purpose of the rule, by aiding public awareness of the source of the broadcasts. How, Straus inquires, would the public be harmed by the announcement it suggests: "This is WMCA, Straus Communications in New York" as contrasted with "This is WMCA, New York, Straus Communications". It asserts that the Commission permits the latter, and it argues that it is overly rigid to preclude the former. In its opinion the announcement with the desired insertion, does not misinform or lessen the information value of the announcement. On this basis it seems the proposal as consistent with the purposes of the announcement. Nor does Straus consider the insert to be promotional material. Thus, it views the policy prohibiting the inclusion of promotional material as no barrier to its proposal.

3. KGMI, Inc., agrees in principle with the above views, but it goes beyond them.

[1] An earlier effort to produce this result by interpretative ruling was denied by Broadcast Bureau letter. Its current petition also seeks this form of alternative relief, but we think its approach is inconsistent with the plain language of the rule. If this relief is to be granted, a change in the rules is needed.

It would have the Commission permit an insertion such as XXX "the sound of" anytown. KGMI does not believe that such a phrase would be in conflict with the policy prohibiting the insertion of promotional material. Instead, it considers it as merely emphasizing the fact that the station operates in that particular locality, rendering service to it.

4. William E. Loucks seeks the addition of the name of the state to the required station identification announcement. Citing examples of communities in neighboring states which have the same name, he argues that inclusion of the name of the state is necessary to avoid listener confusion about the source of the broadcasts.

5. We are persuaded that the points made in the Straus petition has merit. However, before expressing our views in that regard, we believe it would be useful to describe briefly the background of the station identification requirements. By treaty, statute and our own rules, stations are required to identify themselves over the air. This requirement is necessary for government regulatory purposes as well as for public information. For broadcast stations, the governing rule is § 73.1201. It requires this formal identification process to occur at specified intervals during the broadcast day.[3] The specific requirements regarding the making of announcements have been changed from time to time. When § 73.1201 was adopted in 1969 (20 F.C.C. 2d 761), certain relaxations were permitted in the frequency of the announcements, but the purpose of these announcements was unchanged. Section 73.1201 replaced the separate rules which had been used for each of the broadcast services. It sets forth the standards applicable to station identification. Generally, the rule is directed only to the making of the required announcements and their content and not to the other informal announcements which are often made by the station to provide "color." However, such announcements could have a potential for undermining the identifying function of the required announcement. Therefore, the rule as adopted specifically included [as paragraph (b)(3)] a prohibition against misleading the public as to station location by promotional announcement of otherwise.[4] The nature of the problem can be gleaned from a reading of the cases; for example, McLendon Pacific Corp. (KABL), 5 F.P.C. 2d 855 (1966).[5] Even beyond a potential for active misleading, there is a potential for confusion if the required announcements do not follow a pattern understood by the listener. We need only observe that the touchstone on the latter point is the informational capacity of the announcement.

6. With this background in mind, we conclude that the change proposed by Straus would not be inconsistent with the underlying purposes of station identification announcements and that no harm would be done to the identification process. Doing as Straus urges would not interfere with the informational value of the announcement. It simply provides additional information. In fact, insertion of the licensee's name between the call sign and station location would provide for a better grammatical flow than mentioning it after station location.

7. Ordinarily, prior notice of proposed rule making is required before a change in our substantive rules can be adopted. However, we find, under the provisions of 5 U.S.C. 553(b), that prior notice is unnecessary. It is not reasonable to expect that the additional information a notice would elicit would be useful. The effect of the change of the rules would be to ease a current and, we now believe, unnecessary restriction. We see no need to delay the process of removing this burden.

8. Unlike the Straus suggestion, insertion of a phrase like "the sound of," as KGMI seeks, is another matter. Even if it were not considered promotional matter (something we are not prepared to accept), it still is material which has no function in terms of station identification. In fact, the only likely result would be confusion, and we do not believe that this proposal should be pursued.

9. As to the proposed requirement that the state as well as city of license be identified, we have no basis for believing that there is a significant potential for confusion so as to warrant adoption of such a requirement. We have no reason to believe that this is more than an isolated problem, if that. However, we do encourage the making of such announcements in those individual instances where the licensee believes they might be useful in avoiding confusion.

10. Accordingly, pursuant to the authority contained in Sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, *it is ordered*, That the petition for rule making filed by Straus Communications, Inc. (RM-1891), is granted and, that Section 73.1201(b)(1) of the Commission's Rules and Regulations is amended as set forth below, effective March 18, 1976.

11. *It is further ordered*, That the petition for rule making filed by William E. Loucks (RM-2444) is denied as is the request of KGMI, Inc.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: February 3, 1976.

Released: February 10, 1976.

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

1. Section 73.1201(b)(1) is revised to read as follows:

§ 73.1201 Station identification.

* * * * *

(b) *Content.* (1) Official station identification shall consist of the station's call letters immediately followed by the name of the community or communities specified in its license as the station's location: *Provided*, That the name of the licensee as stated on the station's license may be inserted between the call letters and station location. No other insertion is permissible.

* * * * *

[FR Doc.76-4478 Filed 2-13-76;8:45 am]

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[3] At the start and end of the broadcast operation and hourly as close to the hour as possible during the times of operation.

[3] This includes noncommercial FM and television stations as well as commercial ones, and it also includes international broadcast stations.

[4] The rule contains a reference to 10 F.C.C. 2d 407 (1967), which sets forth examples of announcements that comply with or that are in violation of the identification requirements.

[5] See also Report and Order in Docket 17145, 10 F.C.C. 2d 399 (1967).

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 261; Special Permission Nos. 70-275, 73-123]

TARIFFS CONTAINING JOINT RATES AND THROUGH ROUTES

Transportation of Property Between Points in the United States and Points in Foreign Countries

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of January 1976.

Upon consideration of the record in the above-captioned proceeding, including the petitions for reconsideration of the report and order of the Commission on further reconsideration, served July 29, 1975, filed August 18, 1975, by the Chairman of the Federal Maritime Commission, and August 27, 1975, by IML Freight, Inc.; and

It appearing, That, after review of the said petitions, the Commission has modified the regulations issued in the prior reports entered in this proceeding, the most recent report being printed at 350 I.C.C. 361;

Wherefore:

It is ordered, That, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), and sections 1(1)(a), 6(5), 6(6), 6(12), 202(a), 203(a)(11), 216(c), 217(a), 220(a), 302, 303, 305(b), 306, and 313 of the Interstate Commerce Act, in 49 CFR Chapter X,

(1) Part 1300 be, and it is hereby, amended and revised as follows:

(a) Paragraph (a)(1) of § 1300.0 (preamble to Tariff Circular No. 20) is amended to read as set forth below.

(b) Section 1300.67 (Rule 67) of Tariff Circular No. 20) is revised to read as set forth below.

(The provisions of Part 1300 issued under sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U.S.C. 12, 304, and secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; 49 U.S.C. 5, 6, 317.)

(2) Part 1305 be, and it is hereby, amended as follows:

(a) Section 1305.0 (preamble to Rule 33 of Tariff Circular No. 20) is amended to read as set forth below.

(The provisions of Subpart A of Part 1305 issued under sec. 6, 24 Stat. 380, sec. 12, 24 Stat. 383; 49 U.S.C. 6, 12.)

(3) Part 1307 be, and it is hereby, amended and revised as follows:

(a) Section 1307.22 (preamble to Tariff Circular MF No. 3) is revised to read as set forth below.

(b) Section 1307.49 is added to read as set forth below.

(The provisions of Subpart B of Part 1307 issued under secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a.)

(4) Part 1308 be, and it is hereby, amended and revised as follows:

Section 1308.0 (preamble to Tariff Circular No. 22), is amended by revising paragraph (b) thereof to read as set forth below; and paragraph (c) is added as a new paragraph to read as set forth below.

(The provisions of Part 1308 issued under secs. 304, 306, 54 Stat. 933, 935; 49 U.S.C. 904, 906.)

It is further ordered, That the petitions be, and they are hereby, denied in all other respects for the reason that sufficient grounds have not been presented to warrant granting the action sought.

It is further ordered, That Special Permission No. 70–275 be, and it is hereby, rescinded.

It is further ordered, That Special Permission No. 73–123, and amendments thereto, be, and they are hereby, rescinded.

It is further ordered, That all prior orders in Ex Parte No. 261 be, and they are hereby, vacated and set aside.

It is further ordered, That this order shall become effective 35 days from the date of service, and shall remain in effect until modified or revoked in whole or in part by further order of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by mailing a copy of this order to each party of record in this proceeding, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: While this order does vacate and set aside prior orders in Ex Parte No. 261, we hereby affirm the finding in the prior report that rule 66 of Tariff Circular No. 20 applies only to minimum carloads and not to minimum containerloads.

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

§ 1300.0 General provisions; definitions.

(a) *General application; conformation to rules; reissue.* (1) This part contains regulations issued by the Interstate Commerce Commission, under authority of section 6 of the Interstate Commerce Act, as amended, to govern the construction and filing of freight rate tariffs and classifications of railroads, water carriers and pipeline companies filing under section 6 of the act, and, under authority of sections 217 and 306 of the act, to govern the construction and filing of freight rate tariffs and classifications naming or governing joint rates and routes over motor and water carriers jointly with such carriers subject to part I of the act. The regulations in this part shall also govern the construction and filing of tariffs naming through routes and joint rates over the lines of common carriers by railroad, water, or pipelines, or by railroad jointly with common carriers by motor vehicle, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1300.67.

* * * * *

§ 1300.67 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.* (1) A common carrier by railroad, pipeline, or water, or a common carrier by railroad jointly with a common carrier by motor vehicle, subject to the Interstate.

Cross Reference: For regulations governing the posting of freight tariffs of common carriers by rail, water, and pipeline, including tariffs containing joint motor-rail or motor-rail-water rates, see Subpart A of Part 1305 of this chapter.

PART 1305—POSTING TARIFFS AT STATIONS

§ 1305.0 Application—posting of tariffs defined.

(a) The regulations in this subpart shall also govern the posting (by carriers subject to the jurisdiction of the Interstate Commerce Commission) of any tariff containing a through route and joint rate over the lines of a common carrier by railroad, pipeline, or water, or by railroad jointly with a common carrier by motor vehicle, subject to the Interstate Commerce Act, on the one hand, and a vessel-operating common carrier by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, and all other tariffs governing the application of the rate tariff, for the transportation of property between any place in the United States and any place in a foreign country. The carrier subject to the jurisdiction of this Commission receiving shipments at a port for delivery to points in the United States under joint through rate and route arrangements shall post at its station at such port the tariffs naming such rates and its governing tariffs. See § 1300.67.

(b) The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

§ 1307.22 Application of regulations.

(a) The regulations in Subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water subject to Part III of the Interstate Commerce Act, other than railroad-owned or railroad-controlled water carriers.

(b) The regulations in Subpart B will also apply to tariffs containing through routes and joint rates over the lines of common carriers by motor vehicle or by motor vehicle jointly with common carriers by water whether or not the water carriers are railroad-owned or railroad-controlled, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1307.49.

(c) The regulations in Subpart B will not apply (i) to tariffs containing joint rates between motor carriers, on the one hand, and, on the other hand, common

carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(16) of the Interstate Commerce Act, or (ii) to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or railroad-controlled. See paragraph (b) of this section for exception as to ocean carriers.

§ 1307.49 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.* (1) A common carrier by motor vehicle or by motor vehicle jointly with a common carrier by water, subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of porperty between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Subpart B of Part 1307 (Tariff Circular MF No. 3) of this chapter. The tariff shall be printed in the English language, include the names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to the aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If a tariff provides less-than-truckload, less-than-containerload, or less-than-trailerload service, such service must be defined. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alternate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such a carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1307.47(c). The concurrence forms prescribed by § 1307.47(c) shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs (such as tariffs containing joint motor-ocean rates, et cetera) in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

(i) A change in a published rate, charge, rule, regulation, or other provision which results in reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

(ii) The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

Except as otherwise provided in this subparagraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the charge.

(8) Every change made under authority of paragraph (b) (6) or (7) of this section must be shown in an amendment (a supplement if the tariff is in bound form or a loose-leaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1307.34—*Suspension of Tariff Schedules*—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or charge or the service performed by such carrier is suspended by an order of this Commission.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless or whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Export and import shipments may be forwarded under through billing. bills of lading must clearly separate the Through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates or charges of the domestic carriers to or from the port or (2) the joint rates or charges when such rates or charges are established and are named in tariffs on file with this Commission as provided in paragraph (b) of this section. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

§ 1308.0 General provisions; definitions.

* * * * *

(b) *Conformation to regulations, et cetera.* All tariffs applicable on traffic subject to the regulations in this subpart must conform to all of their provisions, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Carriers or their agents may not publish rates or provisions which duplicate or conflict with rates or provisions published by or for account of such carriers.

(c) *Nonapplication.* Tariffs governed by the regulations in this subpart must not contain:

Joint water-rail rates;
Joint water-motor rates;
Joint water-rail-motor rates;
Passenger fares;
Contract carrier rates or charges.

Furthermore, tariffs published under this subpart must not contain joint rates and through routes over the lines of common carriers by water subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. For applicable regulations, see §§ 1300.67 and 1307.49 of this chapter.

[FR Doc.76-4511 Filed 2-13-76;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Change in Disease Status of the Netherlands; Swine Vesicular Disease

• The purpose of these amendments is to delete the Netherlands from the list of countries considered to be free of swine vesicular disease. •

Statement of considerations. On January 22, 1976, this Department was informed by the International Office of Epizootics that swine vesicular disease has occurred in the Netherlands. Accordingly, this disease is considered to exist in that country. Therefore, these amendments will delete the Netherlands (1) from the list of countries in § 94.12(a) which are considered to be free of swine vesicular disease; and (2) from the list of countries in § 94.13 which are declared to be free of swine vesicular disease in § 94.12(a) but which supplement their national meat supply by the importation of fresh, chilled, or frozen meat of swine from countries where swine vesicular disease is considered to exist; or which have a common border with such countries; or which have certain trade practices that are less restrictive than are acceptable to the United States. This action which has the effect of further restricting the importation of certain meats and meat products of swine, and of prohibiting the importation of swine, and of restricting the importation of wild swine into the United States from the Netherlands is deemed necessary to prevent the introduction or dissemination of the contagion of this disease and to protect the livestock of the United States.

Accordingly, 9 CFR Part 94 is hereby amended as follows:

§§ 94.12 and 94.13 [Amended]

1. In § 94.12(a) the name of the Netherlands is deleted.

2. In § 94.13 in the first sentence of the introductory paragraph, the name of the Netherlands is deleted.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; (21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments shall become effective on February 17, 1976, except with respect to shipments of swine, wild swine or pork and pork products originating in the Netherlands that are on board a carrier moving to the United States on or before that date. Such shipments shall upon arrival in the United States be allowed entry only under such specific conditions, or be disposed of in such manner, as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction of dissemination of the contagion of swine vesicular disease into the United States.

The restrictions imposed by these amendments must be made effective immediately to protect the livestock industry of the United States against the introduction of swine vesicular disease from foreign countries. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 12th day of February, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-4625 Filed 2-13-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

PROSPECTING PERMITTEES

Issuance of Leases

In a notice on this subject published in the FEDERAL REGISTER on January 19, 1976 (41 FR 2648), the Department of the Interior published proposed regulations concerning the right of those holding prospecting permits for coal, phosphate, sodium, sulphur, or potassium under the Mineral Leasing Act, as amended and supplemented, 30 U.S.C. 181–287, to obtain noncompetitive leases. In that notice comments were requested on the proposed regulations by February 18, 1976. It has now been determined to extend the comment period by 30 days. Comments received by March 19, 1976, will be considered before final action is taken on the proposed regulations.

THOMAS S. KLEPPE,
Secretary of the Interior.

FEBRUARY 9, 1976.

[FR Doc.76-4426 Filed 2-13-76;8:45 am]

National Park Service

[36 CFR Part 7]

KATMAI NATIONAL MONUMENT, ALASKA

Fishing

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (36 Stat. 535, as amended; 16 U.S.C. 3); Proclamation No. 1487, September 24, 1918 (40 Stat. 1855, as amended); 245 DM 1 (34 FR 13879, as amended); National Park Service Order No. 77 (38 FR 7378, as amended); and Pacific Northwest Regional Order No. 3 (37 FR 6325, as amended), it is proposed to amend § 7.46 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the revision is to provide for bait fishing, on an experimental basis, in the Naknek River from November 15 through March 31. This will allow people to catch whitefish, rainbow trout, dolly varden, grayling, burbot, and other fish species which form an important part of the wintertime diet for residents of the area. A determination has been made pursuant to NEPA and pertinent regulations based on an assessment and information provided by the Alaska Department of Fish and Game that the proposed amendment to the regulations will not have a significant impact upon the environment and, therefore, no environmental impact statement is required. A copy of this environmental assessment, with the documents and information provided by the Alaska Department of Fish and Game, are on file and may be examined in the Office of the Superintendent for the Katmai National Monument or the Office of the Alaska State Director, National Park Service, at the addresses shown below. Bait fishing during the times allowed by the amended regulation will be monitored and if it should be found that such fishing is detrimental to rainbow trout or other sport fish species, it will be prohibited.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the State Director, Alaska, National Park Service, 334 West 5th Avenue, Suite 250, Anchorage, Alaska 99501, or to the Superintendent, Katmai National Monument, Post Office Box 7, King Salmon, Alaska 99613, on or before March 18, 1976.

Paragraph (a)(1) of § 7.46 is revised to read as follows:

§ 7.46 Katmai National Monument.

(a) *Fishing.* (1) Fishing is permitted only with artifical lures; however, bait, as defined by regulations of the Alaska Department of Fish and Game, may be used from November 15 through March 31 of each year on the Naknek River from markers located just above Trefon's Cabin downstream to the Monument boundary.

* * * * *

GILBERT E. BLINN,
Superintendent,
Katmai National Monument.

[FR Doc.76-4461 Filed 2-13-76;8:45 am]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[12 CFR Part 228]

UNFAIR OR DECEPTIVE ACTS OR PRACTICES

Notice of Federal Trade Commission Proposed Rulemaking Which Could Require the Board to Promulgate Substantially Similar Regulations Applicable to Banks

On November 14, 1975, the Federal Trade Commission proposed the following amendment to its Trade Regulation Rule entitled "Preservation of Consumers' Claims and Defenses" (16 CFR 433.1 and 2):

Sec.
433.1 Definitions.
433.2 Preservation of Consumers' Claims and Defenses, Unfair or Deceptive Acts or Practices.

AUTHORITY. The provisions of this Part 433 issued under 38 Stat. 717, as amended, 15 U.S.C. Section 41, *et seq.*

§ 433.1 *Definitions.* (a) *Person.* An individual, corporation, or any other business organization.

(b) *Consumer.* A natural person who seeks or acquires goods or services for personal, family, or household use.

(c) *Creditor.* A person who, in the ordinary course of business, lends purchase money or finances the sale of goods or services to consumers on a deferred payment basis; *Provided* such person is not acting, for the purposes of a particular transaction, in the capacity of a credit card issuer.

(d) *Purchase money loan.* A cash advance which is received by a consumer in return for a "Finance Charge" within the meaning of the Truth in Lending Act and Regulation Z, which is applied, in whole or substantial part, to a purchase of goods or services from a seller who (1) refers consumers to the creditor or (2) is affiliated with the creditor by common control, contract, or business arrangement.

(e) *Financing a sale.* Extending credit to a consumer in connection with a "Credit Sale" within the meaning of the Truth in Lending Act and Regulation Z.

(f) *Contract.* Any oral or written agreement, formal or informal, between a creditor and a seller, which contemplates or provides for cooperative or concerted activity in connection with the sale of goods or services to consumers or the financing thereof.

(g) *Business arrangement.* Any understanding, procedure, course of dealing, or arrangement, formal or informal, between a creditor and a seller, in connection with the sale of goods or services to consumers or the financing thereof.

(h) *Credit card issuer.* A person who extends to cardholders the right to use a credit card in connection with purchases of goods or services.

(i) *Consumer credit contract.* Any instrument which evidences or embodies a debt arising from a "Purchase Money Loan" transaction or a "financed sale" as defined in paragraphs (d) and (e).

(j) *Seller.* A person who, in the ordinary course of business, sells or leases goods or services to consumers.

§ *433.2 Preservation of Consumers' Claims and Defenses, Unfair or Deceptive Acts or Practices.* In connection with any Purchase Money Loan (as that term is defined in § 433.1) or any sale or lease of goods or services in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair or deceptive act or practice within the meaning of Section 5 of that Act for a seller or a creditor, directly or indirectly, to take or receive a consumer credit contract which fails to contain the following provision in at least ten point, boldface type:

NOTICE

ANY HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED PURSUANT HERE TO OR WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

Section 18(f) of the Federal Trade Commission Act (15 U.S.C. § 41 *et seq.*, as amended by Pub. L. 93-637) provides that, whenever the Federal Trade Commission prescribes a rule prohibiting unfair or deceptive acts or practices, the Board of Governors shall within 60 days after that rule takes effect promulgate substantially similar regulations prohibiting substantially similar acts or practices of banks, unless the Board finds either that such acts or practices of banks are not unfair or deceptive or that implementation of similar regulations with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

Since the Board may be required to promulgate a regulation substantially similar to the Commission's proposed rule, the Board is initiating this rulemaking procedure by publishing the Commission's proposed rule for comment to assure that potentially affected banks are aware of the proposal, and are afforded the opportunity to comment, and to assure that the Board will have adequate time to consider the comments. The Commission's proposal would make it an unfair or deceptive act or practice for creditors other than banks to directly or indirectly take or receive any consumer credit contract which does not include a provision indicating that such contract is subject to all claims and defenses which the debtor could assert against the seller of the goods or services that were the subject of the contract or that were purchased with the proceeds of the contract. If the Board were to adopt a regulation substantially similar to the Commission's proposal, the definition of "creditor" would be revised to specifically include banks.

The Board invites comments from interested parties and is particularly interested in comments addressing the following subjects:

1. Consumer benefits to be derived from the proposal.

2. Economic impact of the proposed regulation on the availability and cost of consumer credit.

3. Whether the acts or practices addressed by the Commission's proposal are unfair or deceptive when engaged in by banks.

4. Whether adoption of the Commission's proposal would seriously conflict with essential monetary and payments systems policies of the Board.

5. Specific operational problems which would be created by adoption of the Commission's proposal.

6. Alternative methods for dealing with the preservation of consumer's claims and defenses.

This notice is published pursuant to § 553(b) of Title 5 United States Code and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)). To aid in consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Office of the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 31, 1976. Such material will be made available for inspection upon request, except as provided in 12 CFR 261.6(a) of the Board's Rules Regarding Availability of Information.

Since the Board may be required to issue a regulation substantially similar to the rule ultimately adopted by the Federal Trade Commission, it is recommended that copies of comments also be sent directly to the Commission for consideration. Such comments should be identified as "Holder in Due Course Comment" and addressed to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580.

By order of the Board of Governors, January 30, 1976.

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

[FR Doc.76-4471 Filed 2-13-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 117]

SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Proposed Financial Assistance

In accordance with Section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title II of the Elementary and Secondary Education Act, as amended, 20 U.S.C. 823-826, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 117 of the Code of Federal Regulations to read as set forth below.

At present, there will be no guidelines under this program. Should guidelines be issued in the future, they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* Title II of the Elementary and Secondary Education Act provides funds to the States, outlying areas, and Departments of the Interior and Defense for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the program under Title II of the Elementary and Secondary Education Act. Upon publication of revised Part 117 as a final regulation, after comments and hearing, all preceding rules, regulations, guidelines and other published interpretations and orders issued in connection with or affecting the program will be superseded effective thirty days after such publication.

3. *Effect of Office of Education General Provisions Regulations.* The proposed regulations differ from the current regulations in that provisions have been deleted relating to general fiscal and administrative matters which are now covered in the overall Office of Education General Provisions Regulations (45 CFR Part 100a), in connection with the same study under Section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100b of Title 45 CFR containing general provisions for State administered programs which are applicable to the program under Title II of the Elementary and Secondary Education Act.)

4. *Citations of legal authority.* As required by Section 431(a) of the General Education Provision Act (20 U.S.C. 1232(a)) and Section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

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

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education on March 18, 1976 in the auditorium of Regional Office Building Three (ROB 3) located at 7th and D Streets, S.W., Washington, D.C., beginning at 10:00 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered and will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program No. 13.480; School Library Resources, Textbooks, and Other Instructional Materials)

Dated: December 9, 1975.

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

Approved: February 2, 1976.

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

PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

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AUTHORITY: Secs. 201–207 of Pub. L. 89–10 as amended (20 U.S.C. 821–827), unless otherwise noted.

Subpart A—General

§ 117.1 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Public Law 89–10, as amended, (20 U.S.C. 823–826).

"Children" means those persons who are in attendance in schools of the State which provide elementary and secondary education and which comply with State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State. The age limits are the permissible ages for attendance at the public elementary and secondary schools of the State, but the term "children" does not include persons enrolled in adult education courses or in courses beyond grade 12.

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

"Private elementary and secondary schools" means nonprofit or profit schools which provide elementary and secondary education as determined under State law, but not to the extent that they provide education beyond grade 12, and which are controlled by other than a public authority or public officials but which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

"School library resources, textbooks, and other printed and published instructional materials" means: (a) "School library resources" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are processed and organized for use by elementary and secondary school children and teachers; (b) "textbooks" are books, reusable workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group; (c) "other printed and published instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are not processed and organized for use by elementary or secondary school children and teachers. Such "school library resources, textbooks, and other printed and published instructional materials" include those materials which are suitable for and are to be used by children and teachers in elementary or secondary schools and which with reasonable care and use may be expected to last more than one year. The definition does not include furniture or equipment.

"Standards" means those measures (established by the State agency or the Department of the Interior or the Department of Defense for administration of title II of the Act or established by other authoritative groups or individuals and accepted for such administration) which are used for making determinations of the adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials to be made available for the use of children and teachers in elementary and secondary schools.

"State" means, in addition to the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

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

"Teacher" means a person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian, or other member of the instructional or supervisory staff.

(20 U.S.C. 821–827)

§ 117.2 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 821)

Subpart B—Annual Program or Department Plan—General Provisions

§ 117.5 Annual program plan or Department conditions.

(a) *Purpose.* A basic condition for the grant of Federal funds to a State or for the payment of funds under title II of the Act to the Departments of Interior or Defense is a plan which meets the requirements of title II of the Act in providing a program under which funds so granted or paid will be expended solely for the acquisition of school library resources, textbooks, and other printed and published instructional materials and the administration of the plan.

(b) *Effect of an annual program plan.* The annual program plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made to a State and the basis

for determining the propriety of the expenditures of those funds.

(c) *Effect of a Department plan.* A plan submitted by the Department of the Interior or by the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under title II of the Act and the basis for determining the propriety of the expenditures of these funds by such Departments.

(d) *Program and operational procedures.* The administration of the program shall be kept in conformity with the approved plan, the regulations in this part, and title II of the Act. A description of the program and operational procedures shall be recorded and made available to the public upon request. Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the procedures shall be appropriately amended.

(e) *Submission.* A plan shall be submitted to the Commissioner by a duly authorized officer of the State agency, or by the Departments of the Interior or Defense. The plan shall give the official name of the agency which will administer the plan and shall indicate the official or officials authorized to submit plan material. The plan shall designate the officer or officers who will receive and provide for the custody of all funds to be expended, and authorize expenditures of such funds.

(f) *Certificate of the State Attorney General or other appropriate State legal officer.* The annual program plan shall also include as an attachment a certification by the appropriate State legal officer that the State agency named in the plan is the agency having authority, either directly or through arrangements with other State or local public agencies, to administer the plan; and that the State has authority under State law to carry out the plan.

(g) *Approval by the Commissioner.* The Commissioner will approve each plan which he determines meets the applicable requirements of title II of the Act and regulations in this part, and will notify the applicant of the granting, conditioning, or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and in connection therewith affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(h) *Ineligibility to participate.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of title II of the Act and the regulations in this part; or (2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner will notify the applicant that said applicant will not be regarded as eligible to participate in the program under title II of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 823)

§ 117.6 Annual program plan assurances.

Each annual program plan shall contain assurances:

(a) *Sole agency for administration.* That the State agency shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the plan.

(20 U.S.C. 823(a)(1))

(b) *Description of program.* That the State agency has developed in writing a program under which funds paid to the State from its allotment under title II of the Act will be expended solely (1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State and (2) not in excess of 5 percent of the amount paid to the State under title II of the Act or $50,000, whichever is greater, for administration of the annual program plan, including (i) the development and revision of standards relating to school library resources, textbooks, and other printed and published instructional materials furnished for the use of children and teachers in the public elementary and secondary schools of the State, and (ii) the distribution and control by a local educational agency of such school library resources, textbooks, and other printed and published instructional materials in carrying out the plan for the use of children and teachers in public and private elementary and secondary schools in the State.

(20 U.S.C. 823(a)(2))

(c) *Criteria for allocation of school library resources, textbooks, and other printed and published instructional materials.* That the State agency has developed the criteria used in determining the need and the proportions of the allocation to be used for school library resources, textbooks, and other printed and published instructional materials provided under title II of the Act among the children and teachers in the elementary and secondary schools, which criteria shall incorporate the provisions of paragraphs (d) and (e) of this section.

(20 U.S.C. 823(a)(3))

(d) *Relative need.* That the criteria shall, on the basis of a comparative analysis and the application of standards, as defined in § 117.1, establish the relative need, as determined from time to time, of children and teachers for school library resources, textbooks, and other printed and published instructional materials to be provided under the plan. Such criteria shall include priorities for the provision of such materials on the basis of several factors such as the requirements of elementary and secondary instruction, quality and quantity of such materials now available, requirements of children and teachers in special or exemplary instructional programs, the cultural or linguistic needs of children or teachers, the degree of economic need, and the degree of previous and current financial efforts for providing such materials in relation to financial ability. The distribution of such resources, textbooks, and materials for children and teachers solely on a per capita basis does not satisfy this provision.

(20 U.S.C. 823(a)(3)(A))

(e) *Equitable basis.* That the criteria established under an annual program plan shall provide for the allocation of school library resources, textbooks, and other printed and published instructional materials in such a way as to provide assurance that, to the extent consistent with State law, such resources, textbooks, and materials are provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State. However, said equitable provision shall not be effectuated by means of transfer of funds to private schools or purchase by them of such resources, textbooks, and materials.

(20 U.S.C. 823(a)(3)(B))

(f) *Methods and terms of availability of materials.* That the State agency has developed the methods and terms by which the school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act will be made available for the use of children and teachers in the elementary and secondary schools. With respect to children and teachers in private schools, the State agency shall provide that (1) such resources, textbooks, and materials are to be made available to children and teachers and not to institutions; (2) such resources, textbooks, and materials are to be made available on a loan basis only; (3) a public agency will retain title to, and control and administration of the use of, such resources, textbooks, and materials; and (4) books and materials must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning. (See also §§ 117.8 and 117.9)

(20 U.S.C. 823)

(g) *Coordination with public library programs.* That the State agency has developed criteria to ensure that there will be appropriate coordination at both State and local levels between the program carrier out under title II of the Act with respect to school library resources and any program carried out under the Library Services and Construction Act (20 U.S.C. ch. 16) in order to secure the effective and efficient use of Federal funds and to avoid duplication of effort.

(20 U.S.C. 823(a)(3)(C))

(h) *Criteria for selection of school library resources, textbooks, and other instructional materials.* That the State agency has developed the specific educational and other criteria to be used (1) in selecting the school library resources, textbooks, and other printed and published instructional materials to be made available to children and teachers under title II of the Act and (2) as the basis for determining the proportions of the allotment for each fiscal year which will be spent for the acquisition of (i) school library resources, (ii) textbooks, and (iii) other printed and published instructional materials. The ultimate responsibility for the selection under these criteria of all school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in a State shall be that of the State agency or a local educational agency. If proportions for the three categories of materials are changed significantly, the program and operational procedures should be so amended in accordance with the provisions of § 117.5 (d). (See also § 117.8.)

(20 U.S.C. 823)

(i) *Equal consideration for needs for materials for occupational education.* That the State agency has developed the specific educational and other criteria to be used in allocating school library resources, textbooks, and other instructional materials so as to give consideration to the needs of children and teachers in elementary and secondary schools for such resources, textbooks, and materials utilized for instruction, orientation, or guidance and counseling in occupational education equal to the consideration given to the requirements of such children and teachers for materials to be used to meet other educational, motivational, and recreational needs.

(20 U.S.C. 823(a)(3)(D))

Programs, criteria, methods and terms, policies and procedures required by § 117.6(b), (c), (d), (e), (f), (h), and (i) must be set forth in the plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(20 U.S.C. 823; 42 U.S.C. 4231, 4233)

Subpart C—Availability of Materials

§ 117.8 Approval of instructional materials.

School library resources, textbooks, and other printed and published instructional materials acquired under the provisions of title II of the Act must be limited to those which have been approved by an appropriate State agency or local educational agency or other public agency for use, or those which are used, in a public elementary or secondary school of that State.

(20 U.S.C. 825)

§ 117.9 Title and control of instructional materials.

Title to, and control and administration of the use of, school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall vest only in a public agency or in the United States. School library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall be made available to children and teachers in elementary and secondary schools on a loan basis only and there will be a proper accounting of such resources, textbooks, and materials. The public agency shall provide for the control, recall, and replacement of such resources, textbooks, and materials. The public agency having control shall impose responsibility upon the children and teachers who borrow such resources, textbooks, and materials for loss, damage, failure to return when required, or other violations of the terms and conditions of the loan which is comparable to that imposed upon borrowers of similar items purchased with funds derived from other sources.

(20 U.S.C. 823)

§ 117.10 Accessibility of instructional materials.

Unless such action is prohibited by State law, school library resources, textbooks, and other printed and published instructional materials acquired with funds under title II of the Act shall be made available for the use of children and teachers in private elementary and secondary schools on an equitable basis. Catalogs or list of instructional materials acquired under the annual program plan or such other system or systems as may be approved by the Commissioner which will assure the reasonable accessibility and availability of instructional materials to children and teachers in both public and private schools shall be maintained. Such catalogs or lists may be limited in content, for example, to instructional materials designed for children with special needs or to instructional materials supporting particular areas of curriculum and which are not otherwise generally available to the affected children and teachers. Such catalogs or lists or other systems may be maintained on the basis of such limited and defined geographical areas as may be appropriate to assure distribution of materials on a feasible basis. Another method may be the use of a central depository system. The circulation of such instructional materials shall be subject to such restrictions as may be required to maintain an equitable distribution thereof among the children and teachers. Loan terms should be based on educational principles of service to instructional programs so that the children and teachers for whom the school library resources, textbooks, and other printed and published instructional materials are selected will not be deprived of their use when needed.

(20 U.S.C. 823)

§ 117.11 Charge for use.

No charge may be levied against children and teachers for the use of any school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act.

(20 U.S.C. 823)

§ 117.12 Inventory.

The public agency and the Departments of Interior and Defense in which title to school library resources, textbooks, and other printed and published instructional material is vested shall indicate ownership by appropriate marking of each item in a permanent manner and shall maintain an inventory record of such items, revised annually. The inventory records shall be maintained for the useful life of such items. The methods for inventorying and maintaining records of such materials employed by the public agency retaining title shall be subject to the approval of the State agency administering the plan. Inventory records of such materials shall be compiled and maintained by the public agency retaining title and actual administrative control through the use of publicly employed personnel. The methods of inventorying shall include appropriate provisions for substantiating the inventories by onsite inspection. The State agency shall establish a policy for removing items from inventory by procedures consistent with established State or local public agency policies relative to loss, obsolescence, or rate of deterioration of such resources, textbooks, and materials.

(20 U.S.C. 823)

§ 117.13 Religious worship or instruction.

In accordance with § 100b.59 of this chapter, no payments under this part may be made for the acquisition of school library resources, textbooks, or other instructional materials to be utilized for religious worship or instruction.

(20 U.S.C. 885)

Subpart D—Availability of Funds

§ 117.19 Allotment of funds.

(a) *State allotment.* The Federal Government will pay from each State's allotment amounts equal to the sums expended by the State under an approved annual program plan for (1) the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State; and (2) the administration of the plan. In no case will the amount paid for administration of the plan for any fiscal year exceed 5 percent of the

amount paid to the State under title II of the Act, or $50,000, whichever is greater.

(b) *Reduction in State allotment.* In any State which has an approved annual program plan and in which no State agency is authorized by law to provide school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary schools in that State, the Commissioner will arrange to provide on an equitable basis such resources, textbooks, and other materials for the use of these children and teachers. In such an event, the Commissioner will pay the cost thereof for any fiscal year out of the State's allotment.

(c) *Allotments to the Departments of the Interior and Defense.* Such amount shall be allotted to the Secretary of the Interior as is necessary to provide school library resources, textbooks, and other printed and published materials for the use of children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior and to the Secretary of Defense such amount as is necessary for such provision for children and teachers in the overseas dependent schools of the Department of Defense.

(20 U.S.C. 822, 823, 824)

§ 117.20 Acquisition of instructional materials.

Acquisition of school library resources, textbooks, and other printed and published instructional materials with financial participation under title II of the Act—notwithstanding the definition of "acquisition" set forth in § 100.1 of this chapter—includes the necessary and essential cost of ordering, processing, and cataloging of such resources and delivery of them to the initial place at which they are made available for use. Funds under title II of the Act are not available for the rebinding or repairs of such resources, textbooks, or materials.

(20 U.S.C. 823)

§ 117.21 Administration of the annual program plan.

Functions. Funds allotted to States under title II of the Act are available, up to the limits specified in § 117.19 for the administration of the annual program plan. Of the funds so made available for administration of the plan, appropriate amounts shall be allocated to local educational agencies for responsibilities assigned to them by the State agency for making accessible loaned materials in accordance with § 117.10. The administration of the plan involves functions such as:

(a) The development of short- and long-term policy for making school library resources, textbooks, and other printed and published instructional materials available for the use of children and teachers in the elementary and secondary schools of the State;

(b) The development, revision, dissemination, and evaluation of standards relating to the selection, acquisition, and use of school library resources, textbooks, and other printed and published instructional materials;

(c) State supervisory services and evaluation of programs for the acquisition and use of school library resources, textbooks, and other printed and published instructional materials;

(d) Inventorying of acquisitions made under title II of the Act and the maintaining of other requisite records;

(e) The control of loaned materials in accordance with § 117.10; and

(f) The rendering of such reports as the Commissioner may require.

(20 U.S.C. 823, 1231c(b))

§ 117.22 Relation to public library system.

Federal funds made available under title II of the Act shall not be used to supplant or duplicate, unnecessarily, functions of the public library system of the State.

(20 U.S.C. 823)

§ 117.23 Administration by Departments.

An amount not to exceed 5 percent of the funds made available respectively to the Department of the Interior and the Department of Defense shall be made available to each Department for administration in a manner consistent with § 117.21.

(20 U.S.C. 822)

Subpart E—State Administration

§ 117.35 Advisory committees.

If State advisory committees are used with respect to one or more aspects of the annual program plan, the State agency shall establish policies for the establishment of the committees for the qualification and selection of members, for the establishment of the duties of members and of the committees, and for the payment of committee expenses, if any.

(20 U.S.C. 823)

§ 117.36 Financial interest prohibited.

Administrative decisions under § 100b.-250 of this chapter include, but are not limited to, the making of a contract for the acquisition of school library resources, textbooks, or other printed and published instructional materials under such a project, or the granting or withholding of approval of the acquisition or use of such resources, textbooks, or materials. State agencies shall take such action as is necessary to avoid preferential treatment on the basis of authorship or other personal interests in relation to the sale or distribution of such resources textbooks, or materials.

(20 U.S.C. 1232c(b)(1))

§ 117.37 Administrative review and evaluation.

The State agency and the Departments of the Interior and Defense shall provide for administrative review and evaluation of their programs and operations under title II of the Act at least annually. Such evaluation shall be made in relation to the criteria used for equitable distribution and the identifying and serving of needs and will include the review, redefinition, and refinement of meaningful standards as to adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials which are selected and distributed, and the effectiveness in making such resources, textbooks, and materials available for the use of children and teachers in elementary and secondary schools. The State agency shall include a report of such administrative review and evaluation in the annual report of the State agency.

(20 U.S.C. 823)

Subpart F—Payment Procedures

§ 117.43 Reallotment.

(a) *In general.* The amount of any State allotment under title II of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under title II of the Act for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under title II of the Act, each State agency administering a program under title II of the Act shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements.

(20 U.S.C. 822)

[FR Doc.76-4445 Filed 2-13-76;8:45 am]

Social and Rehabilitation Service

[45 CFR Parts 205, 220, 232]

SEPARATION OF SERVICES FROM ASSISTANCE PAYMENTS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would revoke § 205.-102. The separation requirements were instituted in 1972 when services were matched under the financial assistance

titles (I, IV–A, X, XIV, and XVI (AABD)) of the Act. The aim was to assure that States would assign specific staff resources to the services program.

Public Law 92–603, the Social Security Amendments of 1972, exempted titles I, X, XIV and XVI (AABD) from the requirements of § 205.102. The same law established a new title XVI (SSI) which would supersede the exempted titles (except for Puerto Rico, the Virgin Islands, and Guam) on January 1, 1974. It also established a new title VI, to provide funding for services to aged, blind or disabled individuals.

Public Law 93–647 established a new title XX which, effective October 1, 1975 superseded title VI and the service provisions of title IV–A for the 50 States and the District of Columbia, and provides funding for services to families with children and to aged, blind, or disabled individuals in these jurisdictions.

Section 205.102 is currently effective only in the three Island jurisdictions, not covered by title XX, which still operate programs of financial assistance and services under title IV–A.

The purpose of the proposed revocation is to relieve the three jurisdictions of a requirement which may prove burdensome, particularly because of the statutory limitations imposed on Federal funds payable to them under all of the Federally-aided programs. The basis for the proposal is the Department's belief that these jurisdictions need greater freedom to make such changes in the use of staff resources as may be required to make optimum use of the limited funds available for their programs.

Conforming amendments to § 220.61, would delete outdated content, clarify rates of Federal financial participation applicable to the three Island jurisdictions, and specify that cost of staff who perform both income maintenance and service functions must be allocated as a basis for claiming the Federal share at the respective 60% and 50% rates. A new § 232.30 would be added to Part 232 regarding allocation of joint worker costs in the 50 States and the District of Columbia.

Prior to implementation of the proposed revocation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, on or before March 18, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washnigton, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

(Catalog of Federal Domestic Assistance Program No. 13.761 Public Assistance-Maintenance Assistance (State Aid))

(It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821).

Dated: January 8, 1976.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: February 10, 1976.

MARJORIE LYNCH,
Acting Secretary.

Chapter II, Title 45 of the Code of Federal Regulations is amended as follows:

PART 205—EMPLOYEE REPRESENTATIVE

1. § 205.102 [Reserved]

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

2. Section 220.61(f) is revised to read as set forth below:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(f) *Rates and amounts of Federal financial participation (FFP) and cost allocation requirements for Puerto Rico, the Virgin Islands, and Guam.*

(1) FFP at the 60 percent rate is available for the service costs identified in paragraphs (d) and (c) of this section; and for training and staff development including costs of training provided to welfare staff by courts or law enforcement officials.

(2) FFP at the 50 percent rate is available for emergency services.

(3) For family planning services and referral for participation under the Work Incentive Program for any fiscal year beginning on or after July 1, 1967, the Federal share to:

(i) Puerto Rico shall not exceed $2 million.

(ii) The Virgin Islands shall not exceed $65,000.

(iii) Guam shall not exceed $90,000. Notwithstanding the limitations in this paragraph (a)(3), any funds which may become available under § 228.52(d)(3) of this chapter may be used for any service activities under titles I, IV–A, X, XIV or XVI (AABD).

(4) Federal financial participation at the 50% rate is available in the costs of income maintenance activities and emergency assistance.

(5) Salaries and related expenses of staff who perform both service and income maintenance functions must be allocated between the two types of activities as a basis for claiming FFP at the rates specified in paragraphs (f)(1), (2) and (4) of this section (f). For purposes of this paragraph, *income maintenance functions* means all activities related to basic maintenance, i.e., determination of initial and continuing eligibility for financial and medical assistance and for food stamps (provided that all members of the household are included in the assistance unit) and the authorization for purchase of coupons if prepared by the worker who determines eligibility for food stamps; furnisihng of checks, warrants or food stamps for which the family is eligible under the State plan; maintaining the case in payment or certification status; providing emergency services; and performing other related activities required in the administration of the income maintenance program.

PART 232—SPOUSE'S ANNUITIES

3. Part 232 is amended by revising § 232.1 and adding a new § 232.30, as set forth below:

§ 232.1 Scope.

This part implements provisions of Part B of Pub. L. 93–647 that are applicable only to title IV–A and establishes other administrative and fiscal requirements.

§ 232.30 Cost allocation; joint staff and service staff.

(a) Cost of staff who perform both service and income maintenance functions must be allocated as a basis for claiming Federal financial participation (FFP) under the appropriate titles of the Act and at the rates prescribed under such titles. For purposes of this section, income maintenance functions means all activities related to maintenance, i.e., determination of initial and continuing eligibility for financial and medical assistance, and for food stamps (provided that all members of the household are included in the assistance unit) and the authorization for purchase of coupons if prepared by the worker who determines eligibility for food stamps; furnishing of checks, warrants or food stamps for which the family is eligible under the State plan; maintaining the case in payment or certification status; and performing other related activities required in the administration of the income maintenance program.

(b) Cost of staff of Special Administrative Units (SAUs) providing social and supportive services under the Work Incentive (WIN) program is subject to FFP under title IV–A in all jurisdictions, pursuant to section 403(d) of the Act and 45 CFR 222.14(d). Cost of staff who solely perform other social service functions is not eligible for FFP under title IV–A, except in Puerto Rico, the Virgin Islands, and Guam.

[FR Doc.76–4504 Filed 2–13–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76–CE–4–AD]

BEECH MODEL 200 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the

Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Model 200 series airplanes.

The manufacturer has advised that the bolt hole in the wing center section lower forward spar cap for attachment of the outer wing panel lower forward spar cap was mislocated on one Beech Model 200 airplane wing. This discrepancy may reduce the fatigue life of this attachment and could, if not discovered and corrected, result in wing separation. Since the condition described herein is likely to exist on other aircraft of the same type design, an AD is being proposed, applicable to Beech Model 200 series airplanes, which will require that the wings be inspected and if the edge distance for the bolt hole in question is found to be insufficient the airplane must be operated or modified in accordance with FAA approved limitations or instructions provided by the manufacturer.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before March 18, 1976, will be considered before action is taken upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to Models 200 and Military A100-1 (Serial Numbers BB-3 thru BB-19, BB-21, thru BB-38, BB-40, BB-41, BB-43 thru BB-75 and BB-78) and Model C-12A (Serial Numbers BC-1, BC-2, BC-3, BD-2 and BD-3) airplanes.

Compliance: Required as indicated, unless already accomplished.

To detect inadequate edge distance on the bolt holes in the wing center section lower forward spar cap for attachment of the outer wing panel lower forward spar cap, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Inspect for proper fit between the wings and center section at the lower forward spar attachment as follows:

1. Using a vernier caliper or a suitable depth gage, graduated in increments of .01-inch, measure the protrusion of the wing spar cap below the center section spar cap at the lower forward wing attachment on both the LH and RH sides.

2. If the protrusion does not exceed .10-inch, no further action is necessary.

3. If the protrusion exceeds .10-inch, remove the wing and measure the edge distance of the wing attachment hole in the center section lower spar in accordance with Figure 1. Provide this information to the manufacturer and thereafter operate or modify the airplane in accordance with FAA-approved limitations or instructions provided by the manufacturer.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

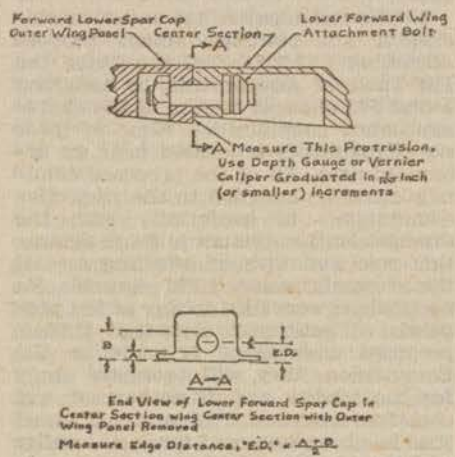
NOTE: The manufacturer's address is Beech Aircraft Corporation, Commercial Service Operations, Wichita, Kansas 67201.

Beechcraft Service Instruction No. 0775-062 or later approved revisions cover the subject matter of this AD.

Issued in Kansas City, Missouri, on February 3, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

FIGURE 1



[FR Doc.76-4237 Filed 2-13-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-4]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chico, California control zone.

An instrument landing system (ILS) will be installed in the near future at the Chico Municipal Airport, Chico, California. A new ILS approach procedure is being developed for this airport (ILS Rwy 13L). The final approach course will be aligned 147° True-129° Magnetic. A minor addition to the control zone extension will be required to provide controlled airspace for this approach procedure while aircraft are operating below 1,000 feet above the surface. For clarity the entire control zone will be redescribed as amended.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before March 18, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (41 FR 355) the description of the Chico, California control zone is amended as follows:

CHICO, CALIFORNIA

Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W); within 3 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR and within 2 miles each side of the Chico Municipal Airport Runway 13 localizer northwest course extending from the 5-mile radius zone to 6.5 miles northwest of the airport, exceeding the portion within a 1-mile radius of Ranchaero Airport, Chico, California (latitude 39°43'10" N., longitude 121°52'10" W). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on February 5, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-4238 Filed 2-13-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 75-WE-34]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would change the time of designation for Restricted Areas R-4816N and R-4186S Dixie Valley, Nev. It would also change the altitude limits of the corridor established for VFR flight by nonradio equipped aircraft around Restricted Areas R-4804 Twin Peaks,

Nev., R–4812 Sand Springs, Nev., and R–4816S Dixie Valley, Nev.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 18, 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.

The proposed amendment would extend the time of designation for R–4816N and R–4816S to include the period from 0700 to 2400 local time Monday through Saturday in lieu of 0700 to 2100 local time Monday through Saturday.

The proposal would also alter the vertical limits of the flight corridor used for VFR transit around R–4804, R–4812 and R–4816S by amending the exclusion contained within the designated altitudes for each of these restricted areas. This alteration would raise the corridor's base from 500 feet AGL to 2,000 feet AGL and its upper limit from 2,000 feet AGL to 4,000 feet AGL.

Extending the time of designation for R–4816N and R–4816S will help accommodate using agency night electronic warfare training requirements which constitute approximately forty percent of the training syllabus. When the using agency has no requirement for the restricted areas, they will be made available to the public in accordance with joint use procedures.

Altering the vertical limits of the VFR corridor will allow military use of the lower altitudes for practice of low level evasive maneuvers and weapons delivery tactics within R–4816 and R–4804 and it will enable corridor users to transit the restricted areas at higher levels wherein visibility obscuration by blowing sand and dust is not so prevalent.

This amendment is proposed under the authority of 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 February 9, 1976.

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

[FR Doc.76–4239 Filed 2–13–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20709; RM–2582 etc.]

FM BROADCAST STATIONS, MINNESOTA, ET AL.

Proposed Rule Making Regarding Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Nisswa, Minn.; Collins, Miss.; Blackshear, Ga.; Clintwood, Va.; Hinton, W. Va.; Yuma, Colo); [Docket No. 20709, RM–2582, RM–2593, RM–2589, RM–2595, RM–2590, RM–2600].

1. The Commission has under consideration six petitions which propose amending § 73.202(b) of the Rules, the FM Table of Assignments, by assigning a first FM channel to each of the above-mentioned communities. None of these six communities is located near an urbanized area. All of the proposed channels could be assigned to the respective communities in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned FM channels. No oppositions were filed to any of the proposals. All petitioners state that, if their proposed assignment is made by the Commission, they will promptly apply for the facility and, if authorized, will construct a station. The specific channel that has been proposed for each locality and the identity of the respective petitioners are as follows:

RM–2582	Channel 261A to Nisswa, Minnesota (Minnesota Christian Broadcasters, Inc.)
RM–2589	Channel 269A to Collins, Mississippi (Covington County Broadcasters)
RM–2590	Channel 285A to Blackshear, Georgia (Troy Mattox and A. J. Guest)
RM–2593	Channel 272A to Clintwood, Virginia[1] (Dickenson County Broadcasting Corporation)
RM–2595	Channel 272A to Hinton, West Virginia (Bluestone Broadcasters, Inc.)
RM–2600	Channel 265A to Yuma, Colorado (Gen-Ten Productions, Inc.)

A brief description of each petition follows.

2. *Nisswa, Minnesota (RM–2582).* Minnesota Christian Broadcasters, Inc. (petitioner), filed a petition on August 12, 1975, proposing the assignment of Channel 261A to Nisswa, Minnesota. Nisswa (pop. 1,011)[2] is located in Crow Wing County (pop. 34,826) and situated in the lake resort area of central Minnesota, about 13 miles north of Brainerd, Minnesota. It has no local broadcast transmission service.

3. Petitioner states that Nisswa has experienced a 36.7% increase in population since 1960, and that a study completed by the Economics Research Corp. of Minneapolis, for the purpose of obtaining a state bank charter for the Village of Nisswa, estimates that in 1970 there were 3,783 summertime visitors to Nisswa, while the areas adjoining Nisswa experienced a population influx of 11,865 persons. It notes that the Brainerd Area Chamber of Commerce has estimated, on the basis of traffic counts and other methods, that the proposed primary service area of a Class A FM station at Niswa would contain over 100,000 persons on any given weekend during vacation periods. Petitioner adds that Channel 261A would provide the area with a first local and second full-time aural broadcast service, including a first FM service to 688 persons and a second FM service to 27,037 persons, and that a Class A facility at Nisswa operating at maximum facilities can provide 60 dBu service to substantially all the lakes area. In view of the foregoing information, we believe consideration of the proposal for the assignment of Channel 261A to Nisswa, Minnesota, is warranted.

4. *Collins, Mississippi (RM–2589).* Covington County Broadcasters (petitioner) filed a petition on August 25, 1975, proposing the assignment of Channel 269A to Collins, Mississippi. Collins (pop. 1,934), is located in Covington County (pop. 14,002) and is situated in the south-central portion of Mississippi. It has no local broadcast transmission service.

5. In support of its request, petitioner states that the proposed FM station would serve the community by providing news, weather, public affairs programming, coverage of athletic events that are now without radio coverage, and educational programs and services for the first time. It adds that the proposed station would have a favorable economic impact on Collins, as it will employ people and will stimulate the business climate in the community. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Collins, Mississippi, is warranted.

6. *Blackshear, Georgia (RM–2590).* Troy Mattox (licensee of AM Station WSBG, Blackshear) and A. J. Guest (licensee of FM Station WFOX, Gainesville, Georgia) (petitioners), filed a petition on August 26, 1975, proposing the assignment of Channel 285A to Blackshear, Georgia. Blackshear (pop. 2,624) is located in Pierce County (pop. 9,281). It has no local FM broadcast service but

[1] In order to meet the minimum mileage separation requirements of § 73.207(a), a site 5 miles northwest of Clintwood would be required.

[2] All population figures are taken from the 1970 U.S. Census.

does have a daytime-only AM station which is licensed to one of the petitioners.

7. Petitioners state that Blackshear is an active and growing community and have submitted information with respect to population, education, recreation, medical and religious facilities, and civic and fraternal organizations. Petitioners also state that the proposed FM facility would serve Blackshear, and all of Pierce County, as well as parts of Buntley and Ware Counties. They point out that coverage of local, district, state and national elections would be facilitated by the establishment of an FM station at Blackshear. Petitioners add that changes in shifts at local plants, emergency whether conditions, traffic reports, crime reports and local, civic, fraternal, religious and social events are all matters which are not presently supplied to the proposed service area in the evening and early morning, but which could be with the implementation of the proposed facility. In view of the apparent need for a first full-time local broadcast service in the area, the proposal to assign FM Channel 285A to Blackshear merits consideration in a rule making proceeding.

8. *Clintwood, Virginia (RM–2593).* Dickenson County Broadcasting Corporation (petitioner), licensee of daytime-only AM Station WDIC, Clintwood, Virginia, filed a petition on August 29, 1975, proposing the assignment of Channel 272A to Clintwood, Virginia. Clintwood (pop. 1,320) is the seat of Dickenson County (pop. 16,077). It has no local FM broadcast service but does have a daytime-only AM station which is licensed to petitioner.

9. In support of its request, petitioner states that the major industry in Dickenson County is coal mining and less than 15% is dedicated to farming. It adds that tourism is increasing in the county with Breaks Interstate Park at the breaks in the Cumberland Mountains, and golfing, swimming, tennis and other recreational activities are available in the County. Petitioner points out that the community is the center of government for a plateau in the mountain fastness of Western Virginia, that the county is growing and has a substantial population, and that there is presently no local means of full-time communication throughout the county by aural broadcasting. For these reasons we believe consideration of the proposal to assign Channel 257A to Clintwood, Virginia as its first FM channel is warranted.

10. *Hinton, West Virginia (RM–2595).* Bluestone Broadcasters, Inc., licensee of daytime-only AM Station WMTD, Hinton, West Virginia (petitioner), filed a petition on September 2, 1975, proposing the assignment of Channel 272A to Hinton, West Virginia. Hinton (pop. 4,503) is the seat of Summers County (pop. 13,213) and is located 65 miles southeast of Charleston, West Virginia. It has no local FM broadcast service but does have a daytime-only AM station which is licensed to petitioner.

11. In support of its request, petitioner states that all government for Hinton and Summers County originates within the city of Hinton. It adds that Hinton has a total of 131 business establishments, including two banks, major chain food stores, national mail order outlets, building supply firms, furniture stores, motels, and hardware stores. Petitioner notes that the county boundaries also contain two major state parks which contribute much to the local economy by employing an average of 180 people. It also states that Hinton is a major terminal on the C & O Railway, and that the railway is the largest employer with about 460 employees. Petitioner points out that the city and county are isolated; there is no full-time broadcast facility to serve the proposed location; and assignment of a channel would enable 13,213 people to have a full-time radio facility. In view of the above, we believe consideration of the proposal for the assignment of Channel 272A to Hinton, West Virginia, is warranted.

12. *Yuma, Colorado (RM–2600).* Cen-Ten Productions, Inc. (petitioner), filed a petition on September 22, 1975, proposing the assignment of Channel 265A to Yuma, Colorado. Yuma (pop. 2,259) is located in Yuma County (pop. 8,544), and is situated about 80 miles southeast of Greeley, Colorado. There are no AM, FM or TV broadcast stations in Yuma County.

13. Petitioner states that Yuma County is growing, its population having increased 17.7% since 1960 because of irrigated farming which is fairly new to the area. It notes that Yuma County ranks 95th in the nation in farm production. It adds that the addition of a locally programmed FM broadcast station to Yuma would provide a vital service to the city and contiguous rural area and would also provide a medium through which community needs such as school closings, livestock warnings, call-in shows, live coverage of special local events, coverage of special farm and ranch events, on-the-spot news, and church remotes and programs that could involve high school students. Based upon these considerations, the possibility of assigning Channel 265A to Yuma, Colorado, should be explored in a rule making proceeding.

14. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows with regard to the communities listed:

§ 73.202(b) [Amended]

* * * * *

City	Channel No.	
	Present	Proposed
Blackshear, Ga.		285A
Yuma, Colo.		265A
Nisswa, Minn.		261A
Collins, Miss.		269A
Clintwood, Va.		272A
Hinton, W. Va.		272A

* * * * *

15. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

16. Interested parties may file comments on or before March 30, 1976, and reply comments on or before April 19, 1976.

Adopted: February 4, 1976.

Released: February 12, 1976.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it Is Proposed To Amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during

regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-4483 Filed 2-13-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20706; RM-2588]

FM BROADCAST STATIONS OREGON

Proposed Rule Making Regarding Table of Assignments

1. The Commission has before it a petition filed by STL, Inc. (petitioner) proposing the substitution of Channel 221A for Channel 244A at Enterprise, Oregon. Channel 244A is unoccupied and unapplied for. Channel 221A could be assigned to Enterprise without affecting any other existing FM assignment.

2. Petitioner states that grant of the proposed substitution of Channel 221A would eliminate the 6.78 mile short spacing from the transmitter site proposed for an FM station it has applied for on Channel 246 (BPH-9370) in Walla Walla, Washington, to the reference point of the second adjacent channel (244A) located at the city center in Enterprise, Oregon. The reference points used for assignment of Channel 246 to Walla Walla comply with our spacing requirements; however, the actual transmitter site chosen by the applicant is short-spaced to Channel 244A in Enterprise. Petitioner contends that the substitution of Channel 221A for Channel 244A would remove such short spacing and eliminate the need for a waiver of § 73.207 (waiver of mileage separation requirements).

3. Enterprise (pop. 1,680), the seat of Wallowa County (pop. 6,247), Oregon, is situated in the northeast corner of Oregon approximately 68 miles southeast of Walla Walla, Washington. There are no FM broadcast facilities operating in Enterprise, but it does have a Class IV AM station (KWVR).

4. Petitioner states that substitution of comparable Channel 221A for Channel 244A will eliminate the short spacing to its proposed station in Walla Walla and will otherwise be entirely in conformance with Commission rules. It adds that no one would be affected by the exchange and the new assignment would be available for applicants at Enterprise. For these reasons we believe consideration of the proposal to substitute Channel 221A for Channel 244A at Enterprise, Oregon, is warranted. Due to proximity of Enterprise to the U.S.-Canadian border, concurrence of the Canadian Government would be necessary.

5. Accordingly, the Commission proposes to amend the FM Table of Assignment, § 73.202(b), with regard to the community of Enterprise, Oregon, as follows:

§ 73.202(b) [Amended]

* * * * *

City	Channel No.	
	Present	Proposed
Enterprise, Oreg.	244A	221A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. Interested parties may file comments on or before March 30, 1976, and reply comments on or before April 19, 1976.

Adopted: February 4, 1976.

Released: February 11, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It Is Proposed To Amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-4479 Filed 2-13-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20708; RM-2551]

FM BROADCAST STATIONS INDIANA

Notice of Proposed Rule Making Regarding Table of Assignments

The Commission has before it the above-captioned petition for rule making filed April 4, 1975, by James Robert Albritton (petitioner), which requests the assignment of FM Channel 280A to Versailles, Indiana. However, in Docket 20121, 40 Fed. Reg. 19644 (1975), Channel 280A was assigned to Batesville, Indiana, and therefore cannot be considered for Versailles since the distance between Batesville and Versailles is only 12 miles. A Commission staff study reveals that Channel 276A could be assigned to Versailles and meet the minimum mileage separation without affecting any other assignment in the FM Table if the transmitter site is located approximately 6 miles north of Versailles. The preclusion study shows that there are no communities of significant size located within the area that would be precluded. Since Versailles is located within 250 miles of the U.S.-Canadian border, the use of Channel 276A at Versailles will require concurrence of the Canadian Government.

2. Versailles (pop. 1,020)[1] is the seat of Ripley County (pop. 21,138) and is situated in southwest Indiana approximately 40 miles west of Cincinnati, Ohio. There are no broadcast facilities in Versailles.

3. In support of his request, petitioner states that there has been an increase in population in Versailles since 1970 due to the advent of several new housing projects in the community. He adds that agriculture and livestock are the main source of income in the area and also has light industry which includes manufacturing plants for caskets, hospital fixtures and an alcoholic beverage distillery.

[1] All population figures are taken from the 1970 U.S. Census.

Petitioner states that if a channel is assigned to Versailles he will promptly apply for a construction permit to utilize it. In view of the foregoing information and the fact that there is no local broadcast transmission service in Versailles, we believe the proposal merits exploration in a rule making proceeding.

4. Accordingly, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to Versailles, Indiana, as follows:

§ 73.202 [Amended]

* * * * *

City	Channel No.	
	Present	Proposed
Versailles, Ind		276A

* * * * *

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated into this *Notice of proposed rulemaking.*

6. Interested parties may file comments on or before March 30, 1976, and reply comments on or before April 19, 1976.

Released: February 11, 1976.

Adopted: February 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commisison's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-4480 Filed 2-13-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

Correction

In FR Doc. 76-3307, appearing at page 5134 in the issue for Wednesday, February 4, 1976, make the following changes:

1. On page 5135, the last three lines of the first column, just before "footnote 2" should be transposed to appear as the 15th, 16th, and 17th lines of the first full paragraph in the second column.

2. On page 5135, in the second column, the last four lines just below "footnote 8" should appear just before "By order of the Board of Governors, effective January 26, 1976."

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Final Notice of Proposed Amendment to Trade Regulation Rule: Correction

In FR Doc. 76-3414 appearing at page 5305 in the FEDERAL REGISTER of February 5, 1976, the last line of the first paragraph in the left-hand column on page 5305 is corrected by changing the reference from "41 FR 4817" to read "41 FR 4833".

Dated: February 11, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.76-4472 Filed 2-13-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 249]

[Release Nos. 33-5684, 34-12081, 35-19379AS-189]

INTERIM FINANCIAL REPORTING

Withdrawal of Proposed Amendments to Form 10-Q and Regulation S-X

On September 10, 1975 the Commission issued Accounting Series Release No. 177 [40 FR 46107] adopting amendments to Form 10-Q [17 CFR 249.308a] and Regulation S-X [17 CFR Part 210] regarding interim financial reporting. In that release, the Commission adopted substantially increased requirements for the content of quarterly reports on Form 10-Q by all registrants now reporting on Forms 7-Q [17 CFR 249.307a] and 10-Q and a new rule, Rule 3-16(t) [17 CFR 210.3-16(t)], which requires disclosure of selected quarterly financial data in notes to financial statements of certain registrants whose shares are actively traded and whose size is above certain limits. Reference is made to Accounting Series Release No. 177 for a discussion of the new reporting requirement on Form 10-Q and applicability of Rule 3-16(t) to registrants.

The Commission noted in ASR No. 177 that the inclusion of interim data in an unaudited footnote to the financial statements will associate the independent accountant with these data. Therefore, the Commission simultaneously issued for comment Release No. 33-5612 (34-11642, 35-19163) [40 FR 46118] in which it proposed review and reporting procedures which set forth its expectations as to the responsibilities of independent accountants who are associated with interim financial data. The purpose of the proposal was to provide the profession with appropriate "professional standards and procedures" to protect the interests of investors.

The Commission noted in ASR No. 177 that the subject of auditor involvement with interim financial data has been under active consideration by the Auditing Standards Executive Committee (AudSEC) of the American Institute of Certified Public Accountants. The Commission urged AudSEC to continue its study of auditor involvement in the interim reporting process. It indicated that if AudSEC adopted a statement which satisfactorily defines the standards and procedures to be followed by auditors for such involvement, it would withdraw Release No. 33-5612.

In December 1975 AudSEC issued Statement on Auditing Standards No. 10 entitled "Limited Review of Interim Information." The standards and procedures set forth in that statement appropriately define the role of the auditor in the interim reporting process. Accordingly, the Commission hereby withdraws the proposed rules set forth in Release No. 33-5612 (34-11642, 35-

19163) and intends to rely on the standards adopted by AudSEC.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 9, 1976.

[FR Doc.76-4452 Filed 2-13-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 211 and 212]

RESIDUAL FUEL OIL

Proposed Exemption From Mandatory Petroleum Allocation and Price Regulations

The Federal Energy Administration hereby gives notice that, following a preliminary analysis of the impact of residual fuel oil regulation pursuant to the Emergency Petroleum Allocation Act of 1973, (EPAA), it has tentatively concluded that residual fuel oil should be exempted from its Mandatory Petroleum Allocation and Price Regulations. Therefore, by this notice of proposed rulemaking, FEA is proposing to submit an amendment to the Congress, is accordance with the provisions of Section 12 of the EPAA, to exempt residual fuel oil from the application of the Mandatory Petroleum Allocation and Price Regulations 10 CFR Parts 211 and 212, respectively), thereby converting the EPAA to standby authority with respect to the pricing and the allocation of residual fuel oil. FEA also gives notice that it will hold a public hearing and receive written comments with respect to its preliminary findings and views concerning this exemption of residual fuel oil and all other pertinent factors related to this proposal and the potential removal of FEA controls from residual fuel oil.

Because supplies of crude oil and refined petroleum products have generally been sufficient since the end of the 1973 oil embargo, and FEA's Old Oil Allocation (Entitlements) program has largely reduced the competitive advantage of firms with access to large amounts of price-controlled oil, it has been apparent for some time that the complex regulatory program created for the embargo shortage period may no longer be necessary to assure that the original objectives of the program are achieved with regard to some or all products. On the basis of evidence available to FEA, the existence of the price and allocation regulations, especially at the wholesale and retail level, now tends more to create market distortions than to achieve the objectives of the EPAA.

Although supplies were generally adequate for most of 1975, the future of the EPAA and of U.S. energy policy was uncertain. In addition, the exemption procedures provided by former Section 4(g) of the EPAA were mechanically somewhat cumbersome. Exemptions could apply, for example, to only one product at a time, and could remain in effect for only 90 days. These limitations, together with the uncertain future of the EPAA, prevented FEA from formulating and implementing a rational decontrol program during 1975.

However, the conclusion that market conditions may be appropriate for an end to price and allocation controls has been reached not only by FEA, but is shared by many members of Congress, who have urged FEA to commence the process of exemption products from regulation. In a letter to the Administrator of FEA dated November 4, 1975, for example Senators Kennedy, Durkin, Stafford, Muskie, Pastore, McIntyre, Brooke, Pell and Ribicoff stated:

> As supplies of fuel oil and other petroleum products have returned to normal levels, fuel dealers are reporting to us that the price and allocation controls may be preventing the free play of competitive forces and thereby raising consumer prices. * * *
>
> Since there is conflicting and complex evidence on this issue, we believe it is the best interest of all parties to air fully the options for action and the possible consequences of changing the allocation and price control system. We therefore feel that public hearings should be held by the Federal Energy Administration as provided by section 4(g)(2) of the Allocation Act of 1973 and the similar provision of S. 622-H.R. 7014, now in Conference. * * *
>
> As the hearing process is a lengthy one and must, of course, be followed by careful congressional review of the FEA's findings, the FEA should begin this process soon so that the Congress and the public will have full opportunity to consider this vital issue.
>
> We therefore strongly urge that you issue the public notice necessary to the commencement of public hearings on the removal of allocation and price controls from retailers and wholesalers of fuel oil and other petroleum products.

On December 22, 1976, the President signed into law the Energy Policy and Conservation Act, which among other things, extended the EPAA, eliminated the cumbersome, old exemption procedures of section 4(g)(2) and provided new and more flexible exemption procedures in section 455, which added section 12 to the EPAA. In the Conference Report to accompany S. 622, the conferees stated with respect to section 455 of the EPCA:

> The United States still faces a critical energy problem. However, the dimensions of that problem are far different from those which existed in 1973 and were addressed by the EPAA. There is no longer a general shortage of either crude oil or refined petroleum products, with the possible exception of propanes. In many ways, the supply side of the market has returned to near the pre-embargo conditions which prevailed in 1972.
>
> In view of these changed conditions, a comprehensive regulatory structure * * * may no longer be necessary. * * *
>
> Extension of the EPAA and its conversion to a standby authority offers, in addition, the potential for a smooth transition of petroleum markets from a closely regulated state to a large unregulated status subject to standby pricing and allocation authority. [Conference Report to Accompany S. 622, Report No. 94-516, p. 203-204, December 8, 1975.]

Section 455 of the EPCA provided somewhat more flexibility in the exemption of products. Certain products may be exempted in the same proceeding, for example, and an exemption is no longer limited to 90 days in length. FEA may propose to exempt an oil or product from the regulation prescribed under section 4(a) of the EPAA if it determines that the exemption is consistent with the attainment of the public policy objectives specified in section 4(b)(1) of the EPAA and that the regulation with the exemption provides for the attainment of those objectives, to the maximum extent practicable. An amendment exempting crude oil, residual fuel oil, or a refined petroleum product with respect to a class of persons or transactions with respect to any market level, must be submitted to the Congress before it takes effect. An exemption amendment may take effect if not disapproved by either House within 15 days under expedited Congressional review procedures.

Any amendment submitted to Congress which proposes to exempt crude oil (if permissible under and consistent with the requirements and limitations of section 8 of the EPAA), residual fuel oil, or any refined petroleum product from the allocation regulations must be accompanied by a finding that the oil or product is no longer in short supply and that the exemption would not have an adverse impact on the supply of any other oil or product.

Any proposed exemption with respect to price must be accompanied by a finding that (1) competition and market forces would provide adequate protection for the consumer, and (2) such amendment would not result in inequitable prices for any class of user.

Any exemption amendment submitted to the Congress must also be accompanied by an analysis of and FEA's views on the potential economic impact of such amendment.

Any oil or refined petroleum product which is exempted from the regulation under section 4(a) of the EPAA is subject to the reimposition of the controls if FEA determines that reimposition is necessary for and consistent with the objectives specified in section 4(b)(1). Subsequent reexemption of that oil or refined petroleum product would not be subject to Congressional review.

FEA is considering the exemption of residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations at this time because recent surplus supplies indicate that market conditions appear to justify an end to controls. For the purposes of this exemption proposal, residual fuel oil includes the fuel oil commonly known as No. 4, No. 5 and No. 6 fuel, Bunker C, No. 4-D diesel fuel, Navy Special Fuel Oil and all other fuel oils which have a fifty percent boiling point over 700° F in the ASTM —86 standard distillation test. The Mandatory Petroleum Allocation Regulations include crude oil when burned directly as a fuel within the definition of residual fuel oil. FEA, however, is not proposing that crude oil be exempted from either Subpart C of Part 211 or the Mandatory Petroleum Price Regulations. Consequently, as part of this proposal FEA

would define residual fuel oil in § 211.51 to exclude crude oil when burned directly as a fuel.

Concurrent with issuance of this proposed exemption, FEA is also issuing a notice of proposed rulemaking to adjust the entitlements program in order to correct certain distortions in the East Coast residual fuel oil market. The exemption proposed herein assumes that changes in the entitlements program will be made which eliminate those distortions, before this exemption becomes effective. Persons desiring to comment on this rulemaking are, therefore, advised to consider also the effect of the alternatives under the proposed rulemaking on the entitlements program because it is so closely related to this rulemaking.

Further amendments to the price regulations applicable to refiners, beyond the simple exemptions proposed herein, may be necessary, depending in part on the precise nature of the changes in the entitlements program with respect to residual fuel oil which are adopted in the concurrent entitlements proceeding. Pursuant to the refiners' cost allocation formulae of § 212.83(c), the portion of the total increased cost of crude oil of each refiner which is attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil is excluded from the amount of increased costs of crude oil which may be passed through in prices charged for covered (i.e., non-exempt) products.

It may be appropriate to modify this general approach to the allocation of increased crude oil costs between exempt and covered products with respect to residual fuel oil, particularly if the option is selected that the entitlements program be modified so that less than a full entitlement would be earned for crude oil runs attributable to production of residual fuel oil for PAD District I. The effect of such a modification would be, of course, to increase the effective cost to each refiner of crude oil attributable to such residual fuel oil production. Accordingly, in the event such an amendment to the entitlements were to be adopted, it would appear appropriate to exclude a proportionate share of increased crude oil costs plus the total amount of the reduction in entitlement benefits (or increased entitlement obligations) which result from the residual fuel oil modifications to the entitlements program. This would be necessary to insure that the impact of the cost adjustments with respect to crude oil attributable to residuel fuel oil production would be limited to residual fuel oil, as intended.

Also, with respect to refiners that may be unaffected by the modifications in the entitlements program, there is some data to suggest that FEA price controls have resulted in the aggregate, in a volumetrically disproportionate increased cost of crude oil pass through on domestically produced residual fuel oil. Accordingly, FEA solicits comments on whether the increased costs of crude oil attributable to residual fuel oil (and therefore not eligible for pass through in prices charged for covered products if residual fuel oil is made an exempt product) should be determined on the historical basis of actual cost allocation under price controls rather than on a volumetric basis. Thus, for example, if a refiner in calendar years 1974 and 1975 passed through 13 percent of its total increased cost of crude oil in prices charged for residual fuel oil, which constituted 10 percent of its sales on a volumetric basis, it may be appropriate to exclude for purposes of the residual fuel oil exemption in the amount of increased crude oil costs attributable to residual fuel oil production on a volumetric basis, multiplied by a factor of 1.3. Alternatively, it may be more appropriate to accomplish the adjustment based on the percentage of the refiner's actual residual fuel oil production thus eliminating the necessity of including purchases of refined product from the calculation.

Finally, refiners may currently have unrecovered increased costs of crude oil attributable to the category of "general refinery products," which includes residual fuel oil. To the extent that refiners have recovered more than a proportionate share of increased costs of crude oil in sales of residual fuel oil, no portion of such unrecovered increased costs of crude oil would be appropriately attributable to the production and sale of residual fuel oil. However, to the extent that any refiner may have recovered less than a proportionate share of its increased costs of crude oil attributable to residual fuel oil on a volumetric basis, it may be appropriate to reduce that refiner's unrecovered (or "banked") costs for general refinery products by that amount. This would insure that amounts of "banked" costs attributable to the production and sale of residual fuel oil are not passed through on other covered products.

In view of the fact that the exact nature of the amendments to be adopted with respect to the exclusion of increased costs of crude oil attributable to the production and sale of residual fuel oil as an exempt product from the cost pass through provisions for covered products will depend in part on the nature of the amendments adopted in the concurrent entitlements rulemaking proceeding, specific amendments in this regard are not proposed. Comments are solicited on this subject, however, both as to the alternatives outlined above, and as to any other alternatives.

FEA has determined on the basis of concurrently available data that such an exemption would be consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA. Those objectives, as amended by section 451 of the EPCA, are:

(A) Protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

(B) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

(i) Fuels, and

(ii) Minerals essential to the requirements of the United States, and for required transportation related thereto;

(H) Economic efficiency; and

(I) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

FEA's preliminary conclusions, based on information currently available to FEA, are that since an adequate supply is anticipated, the allocation and pricing of residual fuel oil are not necessary to protect the public health, safety and welfare (section 4(b)(1)(A)); the maintenance of agricultural operations (section 4(b)(1)(B)); or the maintenance of exploration for and production or extraction of fuels (section 4(b)(1)(F)). Adequate supply and the positive effects of increased competition should insure that the proposed exemption is consistent with the preservation of an economically sound petroleum industry (section 4(b)(1)(C)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products (section 4(b)(1)(E)); economic efficiency (section 4(b)(1)(G)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(H)). The proposed exemption should have no adverse effect on the allocation of suitable crude oil to U.S. refineries (section 4(b)(1)(D)). FEA emphasizes that these conclusions are preliminary and invites specific data, views and arguments with respect to the rela-

tionship between the objectives of the EPAA and this proposal. Any information received with respect to the objectives will be considered by FEA in formulating its final conclusions.

FEA's specific preliminary findings and conclusions and the data and information in support thereof are set forth in a document entitled "Preliminary Findings and Views Concerning the Exemption of Residual Fuel Oil From The Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Interested persons may obtain copies of the Preliminary Findings by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies will also be available and may be picked up at the FEA Press Room, Room 3138, 1200 Pennsylvania Ave. N.W., Washington, D.C.

Tentative conclusions as set forth in the Preliminary Findings include:

(1) Residual fuel oil is not in short supply.

Sufficient refining capacity exists, both in the U.S. and abroad, to adequately satisfy projected U.S. demand.

The East Coast has traditionally relied on Caribbean imports to supply 80–90% of its residual fuel oil demand. However, since 1973, an increasing percentage of its demand has been satisfied by domestic refining with a shift towards the U.S. Gulf Coast for supplies.

(2) Exemption of residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations would not have an adverse impact on the supply of any other oil or refined product subject to the Act.

(3) Competition and market forces are adequate to protect consumers, following an exemption of residual fuel oil from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

The residual fuel oil market share of large, integrated refiners has been decreasing since 1972, while that of the large indpendent and small refiners has been increasing. However, continued controls could lead to a deterioration of competition, resulting in reduced economic efficiency and higher prices.

Market anomalies on the East Coast detrimental to some non-refiner importers may exist due to the continued operation of the existing entitlements program. Adjustments to the entitlements program and to the refiners' cost allocation regulations may be necessary to correct any such anomalies notwithstanding whether current price and allocation controls on residual fuel oil are continued or removed. Although East Coast residual fuel oil prices could rise slightly depending on the type of adjustment made to correct this problem, no general price increases are anticipated to result directly from decontrol.

Exemption would permit purchasers (including consumers) to seek the lowest cost supplier by freely using competitive bids without regard to fixed supplier/purchaser relationships, thereby exerting downward pressure on existing market prices.

The availability of consumer goods and services will not be adversely affected by exempting residual fuel oil from regulation.

(4) Exemption of residual fuel oil from regulation will not result in inequitable prices for any class of residual fuel oil or other product user.

Current market prices for domestic and foreign refined residual fuel oil are relatively equal.

Aggregate prices for residual fuel oil will remain unchanged by the exemption itself, although the potential reduction in entitlements benefits to refiners in PAD I could increase residual fuel oil prices in that region. Prices can, however, be expected to rise over time as the result of increased domestic and foreign crude costs.

Analysis of the historical price relationship between crude oil and residual fuel oil suggests that the residual fuel oil market has returned to its historical pattern folowing the disruptive effects of the Arab embargo.

A review of existing "banked" costs indicates that some non-refiner importers may have experienced serious difficulty passing through their increased product costs. Although banked costs for residual fuel oil at the refiner level are not specifically segregated, costs have been applied to this product in such amounts as to result in an equilibrium between domestic and foreign prices.

The Preliminary Findings also indicate FEA's tentative views concerning the potential economic impacts of exempting residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In fact, governmental units which use large quantities of residual fuel oil will find that exemption will permit them to use competitive bids more easily. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstocks for industry. FEA expects that the proposed exemption will have a positive effect on competition. The proposed exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis of the effects of the proposed exemption on the rate of unemployment in the U.S., on the Consumer Price Index and on the implicit price deflator for the gross national product are also set forth in the Preliminary Findings.

Although FEA has not proposed a specific effective date for this exemption, FEA is aware that a certain time must be provided between the date of promulgation of this amendment, should it be adopted, and the date on which it takes effect, to permit parties currently subject to the regulations to make alternative supply arrangements. FEA has tentatively concluded that thirty to forty-five days should provide sufficient time for completing such arrangements without unduly delaying the implementation of the exemption, and specifically requests comments from interested parties as to the adequacy of this conclusion.

FEA recently issued a notice of public hearing and opportunity for comment on the reevaluation of FEA regulations issued under section 4(a) of the EPAA in terms of the objectives specified in section 4(b)(1). This reevaluation is required by section 11 of the EPAA which was added by section 454 of the EPCA. FEA requested that interested persons address six matters which the conferees believed should be considered in the reevaluation, including "* * * an evaluation of the feasibility of removing controls from the retail and/or wholesale level. * * *" Thus, FEA anticipates that it may receive information in the reevaluation proceeding which pertains to whether this proposed exemption is consistent with the section 4(b)(1) objectives, and will take any such information as well as data, views and arguments received in response to this notice into account prior to making a final decision in this proceeding.

Public hearings in this proceeding will be held beginning at 9:30 a.m. on Tuesday, March 9, 1976, and will be continued if necessary, on Wednesday, March 10, in Room 2105, 2000 M Street NW., Washington, D.C., in order to receive comments from interested persons.

Any person who has an interest in the proposed amendment or who is a representative of a group or class of persons that has an interest in the proposed amendment, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m. Monday, March 1, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The person making the request should describe briefly the interest concerned; if appropriate, to state he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Friday, March 5, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., EST Wednesday, March 3, 1976, and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., EST on Friday, March 5, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures

governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. before 4:30 p.m. e.s.t., March 5, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 340, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Interested persons are also invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box FX, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to the FEA, Executive Communications, with the designation "Exemption of Residual Fuel Oil." Fifteen copies should be submitted. All comments received by Friday, March 5, 1976, and all relevant information will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator commented as follows: "We do not foresee these actions having unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA, and we have no comments to offer."

In addition, the FEA has determined that its concurrent action to adjust the Old Oil Allocation (Entitlements) program in order to correct certain distortions in the East Coast residual fuel oil market and to exempt residual fuel oil from regulation will not significantly affect the quality of the human environment. As a result of its environmental assessment, no environmental impact statement will be prepared. However, in connection with this proposad and the separate proposal to adjust the Old Oil Allocation program, FEA is receptive to public comments and information concerning the environmental effects, if any, of either proposal or any reasonable alternative.

FEA will review the information thus received to determine whether any new facts are adduced which would lead to the conclusion that either proposal may significantly affect the quality of the human environment and take any further action under the National Environmental Policy Act of 1969 as may be appropriate.

Copies of the environmental assessment on the combined action will be available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the document will also be available for public review in the FEA Information Access Reading Room, Room 3116, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the combined action and the environmental assessment in accordance with the instructions for filing written comments previously set forth.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, it is proposed to amend Parts 210, 211, and 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 12, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.34 is amended by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b), to read as follows:

§ 210.34 Petroleum refinery products.

* * * * *

(b) Residual fuel oil as defined in § 211.51 of this chapter is exempt from the provisions of Part 211 of this chapter and residual fuel oil and No. 4 fuel oil and No. 4-D diesel fuel as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

* * * * *

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended by adding a new paragraph (b)(5) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(5) Notwithstanding the provisions of Subpart I of this part, residual fuel oil is excluded from this part.

3. Section 211.51 is amended in the definition of "Residual fuel oil" by deleting the phrase "(d) crude oil when burned directly as a fuel;".

* * * * *

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

4. Subpart C of Part 212 is amended by adding a new § 212.55 to read as follows:

§ 212.55 Residual fuel oil.

Residual fuel oil and No. 4 fuel oil and No. 4-D diesel fuel are exempt from the provisions of this part.

[FR Doc.76-4644 Filed 2-12-76;4:36 pm]

[10 CFR Part 211]

OLD OIL ALLOCATION PROGRAM

Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Title 10, Part 211, of the Code of Federal Regulations with respect to the old oil allocation or entitlements program (hereinafter referred to as the "entitlements program") set forth in 10 CFR 211.67. The amendments proposed are primarily for the purpose of modifying the entitlements program to reflect the changes in the domestic crude oil pricing structure that have been made by the FEA to implement the Energy Policy and Conservation Act (the "EPCA"). The principal amendments proposed are to modify the entitlements

program with respect to residual fuel oil marketed in the East Coast and to expand the coverage of the program to all domestic crude oil, with differing entitlement weights being assigned to old oil and to new and stripper well oil. If adopted, the amendments relating to the East Coast residual fuel oil market would be made effective February 1, 1976. Various other amendments are also proposed, the most significant of which clarify the treatment of exchanges of crude oil under the program and provide for a special manner of handling reporting errors for the first ten months of the program.

FEA also intends to issue shortly a separate notice of proposed rulemaking and public hearing with respect to modification of the small refiner entitlement purchase exemption set forth in section 403 of the EPCA and currently implemented pursuant to FEA's Special Rule No. 6.

I. Proposed Entitlement Program Amendments PAD District I Residual Fuel Oil Market

Since the inception of the entitlements program, the gross disparities in domestic refiners' crude oil input costs have generally been eliminated. This, in turn, has significantly reduced the market distortions in product prices which existed prior to implementation of the program. However, due to the unique structure of the East Coast residual fuel oil market, the entitlements program has had the opposite effect on residual fuel oil prices and has produced certain distortions which did not previously exist. Therefore, FEA is now proposing amendments to the entitlements program to take into account the peculiarities of the East Coast residual fuel oil market and to eliminate the disequilibrium which has arisen in that market.

General Background on East Coast Residual Fuel Oil Market. Consumption of residual fuel oil in the United States is generally for two basic purposes: industrial usage to provide heat and power, and fuel for generation of electricity. For 1974, FEA estimates that United States consumption (in millions of barrels) for each of these purposes was as follows:

Comparison of residual fuel oil sales by class of use and PAD district—1974

[Millions of barrels]

Class of use	PAD I	Percent of total U.S. sales by class of use in PAD I	PAD's II–V	Total United States
Industrial and heating sales	214	69	97	311
Electric utility sales	344	72	131	475
Other	65	38	106	171
Total	623	65	334	957

During the period 1965–75, total domestic residual fuel oil demand increased from 1.6 million barrels per day ("MMB/D") in 1965 to a peak of 2.8 MMB/D in 1973, and more recently has declined to nearly 2.5 MMB/D. The rapid increase in demand for the 1970–1973 period was primarily caused by the response to dwindling supplies of natural gas and a reduction in coal usage due to environmental restrictions. More recently the demand has declined because of higher prices, conservation, and the recent state of the economy.

Prior to 1973, the domestic market for residual fuel oils was most efficiently and economically served by placing a strong emphasis upon imports. This economic situation resulted from two basic causes. First, in order to satisfy the disproportionately large demand for motor gasoline in the United States, refineries in the continental United States were developed primarily to make motor gasoline and distillate fuels while Caribbean (and European) refineries have been primarily oriented toward fuel oil production. FEA estimates that the normal yield pattern for a European refinery would be approximately 14% gasoline, 30% distillate, 35% residual fuel oil and 21% other products. For a typical Caribbean refinery, these respective yields would approximate 10%, 11%, 60% and 19%. This contrasts with the normal yield pattern for domestic refineries of approximately 45% gasoline, 22% distillate, 8% residual fuel oil and 25% other products.

Secondly, the Mandatory Oil Import Program, established in 1959, placed a volumetric quota on imports of most petroleum products, but a major exception to such limitations was provided for residual fuel oil. Because foreign crude costs were lower than domestic crude costs until 1973, it was cheaper to import residual fuel oil under this program. In April 1973 the oil import quota system was replaced with a system of import fees. The purpose of the fee was to offset the cost advantage of imports, and thereby encourage the construction of domestic refining capacity. However, it was recognized that until such capacity was in place, the need for imports of residual fuel oil would continue. Therefore, fee-exempt allocations were granted in declining amounts in order to delay the impact of the fees for several years. As a consequence, only a small percentage of residual fuel oil imports has actually been subject to the fee.

Thus, demand for residual fuel oil on the East Coast and the inability of domestic refiners to satisfy demand resulted in policies facilitating imports of residual fuel oil. The bulk of the residual fuel oil market went to imported product refined from foreign (primarily Venezuelan) crude oil. Major oil companies initiated exploration for, and production of, crude oil in Latin America and were the first to generate the refinery capacity for residual fuel in that area. However, as domestic policies developed favoring importation of residual fuel oil, several independent refineries were also built in the Caribbean to take advantage of that area's proximity to the transportation routes from the Middle East to the East Coast, as well as tax advantages. For the past ten years, Caribbean refiners have supplied between 50 and 60% of total U.S. residual fuel oil demand. Imports from the Caribbean (including shipments from the Virgin Islands and Venezuela) to the East Coast have accounted for approximately 80–90% of that region's total residual fuel oil demand during the last decade.

Initially, the bulk of U.S. residual fuel oil imports came from the major refining centers in Venezuela, the Netherlands Antilles, and Trinidad. In more recent years, the Virgin Islands and the Bahamas have also become major supply sources for residual fuel oil.

The following table shows the origin in 1975 of imported residual fuel oil consumed in the United States:

Imported residual fuel oil sales in United States by region of origin—1975 (January–August)

	Thousand barrels per day	Percent of total
North America [1]	54.1	4.4
Caribbean and South America [2]	1,084.0	88.5
Europe	20.7	1.7
Middle East	2.7	0.2
Asia	18.9	1.5
Africa	44.8	3.7
Total [3]	[3] 1,225	

[1] Other than United States.
[2] Includes Amerada Hess.
[3] Excludes Guam, Hawaiian Free Trade Zone and Australia.

As shown by these figures, refineries located in the Caribbean area are an integral part of the refining capacity serving the domestic market, their location and expansion having been strongly influenced by past import policies and market conditions. Investments in Caribbean refineries have permitted them to expand to meet U.S. demands and to provide products meeting U.S. environmental standards. Thus, from 1965 through 1974, 1.6 MMB/D of capacity was added in the Caribbean primarily to keep pace with growing U.S. residual fuel oil demand.

The five principal firms that serve the East Coast residual fuel oil market are Amerada Hess, Asiatic Petroleum Corporation, Exxon, New England Petroleum Corporation (NEPCO) and Texaco. The location and approximate refining capacity of the refineries that are their principal supply sources are as follows:

Firm	Location of refinery	Capacity (barrels per day)
Amerada Hess	U.S. Virgin Islands	700,000
Asiatic	Curaçao [1]	450,000
	Cardon, Venezuela [2]	348,000
Exxon	Amuay, Venezuela [3]	630,000
	Aruba	540,000
Nepco	Bahamas	500,000
Texaco	Colon, Panama	100,000
	Trinidad [4]	361,000

[1] Operated by Shell Curaçao, an entity affiliated with Asiatic as a member of the Royal Dutch Shell group.
[2] Recently nationalized by the Venezuelan Government, but formerly operated by the Royal Dutch Shell group.
[3] Recently nationalized by the Venezuelan Government, but formerly operated by Exxon.
[4] Subject to nationalization as announced by the Trinidad Government.

From the above analysis, it is clear that the Caribbean refineries listed above have historically played an important role in meeting the demand for residual fuel oil in the United States. In fact, in 1975 these refineries (other than Amerada Hess) supplied almost 11% of the total refined product demand of the entire United States, as well as a much higher (30%) portion of the total refined product demand in PAD District I. In PAD District I, these firms combined supplied almost 60% of the total residual fuel oil consumed in that region.

FEA has taken a strong position favoring the construction of new domestic refining capacity with an emphasis on fuel oil capacity. At the same time, FEA is aware that it may be appropriate and in the national interest simultaneously to encourage the continued viability of the Caribbean refineries through its regulatory programs, although to a more limited extent. Replacement of this refining capacity at current costs within the continental United States has been estimated to cost between $4 and $6 billion. In addition, these refineries are a very important supply source for domestic residual fuel oil needs, and their proximity to the continental United States may render them a more secure source of refined product than, for example, refineries located in Europe.

When looked at in this light, FEA's preliminary conclusion is that it may be appropriate under its statutory obligation not to provide for regulatory programs that would seriously imperil the viability of these Caribbean refineries. Substantial increments to domestic refining capacity are scheduled to come on stream in 1976 and 1977; however, in view of the more than 2,900 MB/D of capacity represented by the major export refineries in the Caribbean (other than Amerada Hess), FEA does not believe that in the short term there will be sufficient domestic refining capacity coming on stream to replace this capacity in the Caribbean. So, at least for the 40 month duration of the domestic crude price controls under the EPCA, FEA believes that the continued viability of these Caribbean refineries is demonstrably in the national interest.

Obviously, to the extent that the firms operating these refineries are experiencing operating losses, a strong incentive will exist to shut the facilities down, thus requiring the East Coast to meet its imported residual fuel oil needs from European refineries. Another course of action would be to reduce crude runs to a level required to supply the marginal barrels not supplied by domestic refineries (assuming that the latter were selling residual fuel oil at their full potential volumes) and sell this output at a higher price than the domestic price. This latter option for these firms obviously involves potential financial problems, since the fixed costs of operating one of these refineries might not be met with operations at significantly reduced run levels.

Current East Coast Market Conditions. Recently, with the increases in world crude oil prices which commenced in 1973, and the consequent imposition of domestic price controls, domestic refiners have found themselves in the position of being able to compete effectively with any source of foreign product and in fact undersell foreign product. This has resulted in higher domestic yields of residual fuel oil, the attractiveness of which has also been enhanced by the operation of the entitlements program. Each barrel of imported crude oil when processed by a domestic refiner receives an entitlement benefit which has the effect of reducing its cost below that for foreign refiners.

For example, for 1975 Amerada Hess as a domestic refiner received entitlement benefits per barrel of residual fuel oil refined by it ranging from $2 to $3.07, whereas its other Caribbean competition was not eligible for entitlement benefits. These figures, however, do not accurately represent the exact amount of Hess's advantage since crude costs, shipping rates and varying import fees are the other significant variables in this market. However, because Amerada Hess is the only one of the Caribbean refiners eligible for entitlement benefits, substantial distortions have occurred in the East Coast (PAD District I) residual fuel oil market place, which is served principally by these refiners. Although Exxon and Texaco are also domestic refiners, they do not earn entitlements for residual fuel oil refined from foreign crude oil in offshore refineries.

The following table (derived from FEA data) shows the approximate volumes of residual fuel oil imports (including purchased product) into the United States by each of the Caribbean refiners in the years 1973 through 1975.

Volume of residual fuel oil imported

[Thousands of barrels per day]

Firm	1973	1974	1975
Amerada Hess	348	321	294
Asiatic	85	69	48
Exxon	309	304	204
Nepco	213	157	161
Texaco	140	128	97
Total	1,095	979	809

The above table shows a severe decline in imports for all of these firms, except Amerada Hess, whose volume has declined at a lesser rate. The overall volume decline is a function of lower domestic demand and increased production of domestic residual fuel oil (through capacity increases and the increased processing of heavier crude oils). Certain Caribbean refiners (other than Amerada Hess) have informed FEA that they are operating in a marginally profitable manner or are in a loss position, in spite of their ability (which Amerada Hess does not possess) to export and sell their lighter products in countries where price controls are not in effect. The severe losses for NEPCO have led to exception relief for the firm from FEA's Office of Exceptions and Appeals, due to that firm's especially unfavorable operating and competitive situation. Other effects of the current market distortions in the East Coast have been the reduction of residual fuel oil production at the Caribbean refineries and an increased reliance on the world market for supplies at prices competitive with those of domestic refiners. However, the availability of supplies in the world market has decreased and prices have begun recently to firm up, and it is questionable whether supplies will continue to be available on a regular basis from this source at prices competitive with domestic prices.

From the above analysis it can be seen that the structure of the East Coast (PAD District I) residual fuel oil market poses immediate problems for the Caribbean refiners (other than Amerada Hess) and potential near and long term difficulties for independent marketers reliant on supplies from these refiners, since world crude costs are currently significantly higher than those of domestic refiners. This situation will be exacerbated when the full impact of the new pricing structure mandated by the EPCA is felt. There is also a potential in the long term for increases in costs of foreign crude oil, which would further widen the competitive advantage for domestic refiners vis-a-vis importers of foreign refined product.

Analysis of Amerada Hess Competitive Advantage and Pricing Effect of Maintaining the Current Regulations. For November 1975, Amerada Hess possessed an estimated advantage approximating $1 per barrel as compared with other Caribbean refiners. To arrive at the amount of this advantage, it is assumed that all Caribbean refiners (including Amerada Hess) have equivalent imported crude oil costs, i.e. approximately $13 per barrel. In addition, for the month of November 1975 Hess received a per barrel benefit of approximately $3.07 from the operation of the entitlements program (the national old oil supply ratio of .3435 multiplied by the entitlement price of $8.94); however, this per barrel benefit was offset by the $2.00 per barrel supplemental import fee (not payable with respect to foreign refined product), result-

ing in an approximate net advantage of $1.07 for Amerada Hess over other non-U.S. Caribbean refiners.

However, in spite of its competitive advantage described above as compared with other Caribbean refiners, Amerada Hess has recently reported that it had sharply lower earnings from its refining and marketing operations in 1975 as compared with 1974. Notwithstanding the receipt of approximately $258,782,000 in entitlement revenues in 1975, earnings from these operations were $17,600,000 in 1975, as compared with $101,300,000 in 1974, before the entitlements program was implemented.

To estimate what Amerada Hess's hypothetical advantage will be, assuming removal of the $2.00 supplemental import fee and the modification of the entitlements program as described under a separate caption in this notice, an assumed $13 per barrel cost of imported crude oil would also be utilized. In this case, Hess's advantage would be measured precisely by the amount of entitlement benefits receivable by it, which would be calculated as follows. FEA estimates that the domestic crude oil supply ratio under the entitlements program as proposed to be amended hereby will approximate 40%, of which 34% to 35% would be attributable to old oil supply levels and the additional 5–6% attributable to new and stripper well supply levels after the fractional entitlements value has been appied thereto. Secondly, the entitlement price would be based on the difference between the landed cost of imported crude oil and the weighted average cost to refiners of old oil, or approximately $7.75 ($13 less $5.25). This means that the advantage for Amerada Hess and other domestic refiners for at least the near term will approximate $3.10 per barrel (40% of $7.75).

FEA's preliminary analysis of the effect on residual fuel oil prices of not amending the current regulations is as follows. Under the above analysis as to the hypothetical advantage of Amerada Hess, it is clear that with the removal of the supplemental import fee, Amerada Hess's advantage would increase by almost the exact amount of the fee, or approximately $2 per barrel. Thus, it is likely that Amerada Hess would lower its residual fuel oil prices significantly. This action would place the other Caribbean refiners in the position of either lowering their prices to maintain market share or seeing their market share erode if they maintain current prices or increase their prices approximately $1 per barrel from current levels in an attempt to maintain historic margins. In either case, their profitability is likely to suffer.

If the current regulations were maintained, the effect on East Coast residual fuel oil prices would be calculated as follows under the assumption that the Caribbean refiners would pursue the second course of action outlined above. First, if Amerada Hess and other domestic refiners lowered their prices by $1.00 to $2.00 per barrel, this would result in an average per barrel cost reduction of 40¢ to 80¢ per barrel for the entire market, since Hess and other domestic refiners account for approximately 40% of this market. This estimated cost decrease, however, would be netted against the estimated $1.00 per barrel price increases of marketers relying on foreign refineries. These firms currently have approximately 60% of the market and their $1.00 per barrel increase would thus cause a 60¢ per barrel average increase in the prices of East Coast residual fuel oil. Therefore, the net average per barrel cost changes resulting from these pricing actions would range from an average cost decrease of 20¢ per barrel (assuming domestic refiners lowered their prices by $2.00 per barrel) to an average cost increase of 20¢ per barrel (assuming only a $1.00 price reduction by domestic refiners).

Alternative Regulatory Proposals. In view of the especially sever competitive situation that is facing marketers in PAD District I, FEA is proposing two alternative regulatory approaches to alleviate these problems. The first proposal would basically reduce the entitlement value for residual fuel oil production produced in PAD District I or marketed in that District so that domestic refiners would be placed on a higher crude cost basis, relatively equivalent to that of foreign refiners marketing in that District. The second alternative takes the opposite approach and would grant entitlements to importers of residual fuel oil refined in a foreign refinery so as to effectively reduce their costs to a level equivalent to that of domestic refiners. Set forth below is a more detailed description of these alternatives.

All persons commenting on these alternatives should bear in mind that FEA, concurrent with issuance of this notice, is also issuing a separate notice of proposed rulemaking to exempt residual fuel oil from allocation and price controls. Thus, comments should consider the effect of each of these alternative proposals assuming that such exemption will in fact take place. FEA's preliminary findings and views concerning the exemption of residual fuel oil from the mandatory petroleum allocation and pricing regulations accompany this notice. Information contained in these findings and views should also be considered in connection with this rulemaking.

Alternative #1. The first alternative regulatory approach proposed hereby pursuant to which FEA would adjust for advantages currently possessed by domestic refiners in the PAD District I market for residual fuel oil is set forth in § 211.67(d)(4) of the proposal and would operate as follows. First, for each month and as to each refiner located in PAD I (except Puerto Rico) that produced in excess of 5,000 B/D of residual fuel oil and as to each refiner (not located in PAD I) that produced in excess of 5,000 B/D of residual fuel oil sold for consumption in or for resale into PAD I, FEA would compute an imputed selling price for each of two grades of residual fuel oil, i.e. residual fuel oil with a sulphur content by weight of 1% and below and that above 1%. This initial calculation would be made by adding the weighted average of all such refiners' May 15, 1973 selling prices for the particular grade of residual fuel oil (including transportation costs to the market) to their weighted average increased crude oil costs since May 15, 1973, the latter being determined by subtracting May 15, 1973 selling prices for the par- of all refiners from the weighted average cost for imported crude oil for the particular month.

When a refiner's imputed selling prices for each of the two grades of residual fuel oil produced by it have been calculated, FEA would adjust entitlement issuances with respect to that refiner's production of residual fuel oil either produced in PAD I or sold for consumption or for resale into PAD I so as to grant either (1) entitlement value to the extent that the imputed selling prices for the particular grade or grades of residual fuel oil produced exceeded the weighted average import prices for that grade or grades in PAD District I for the particular month as calculated from data collected by FEA or (2) 25% of the entitlement value per barrel of crude oil runs for that month, whichever of these calculations yields the greater entitlement value. Thus, domestic refiners would always receive at least a one quarter entitlement value for each barrel of residual fuel oil produced for sale in PAD I in order to grant them a reasonable competitive advantage over foreign refiners.

In arriving at the weighted average import price of residual fuel oil into PAD I, FEA would not include imports from the U.S. Virgin Islands in its calculations. As indicated above, the entitlement adjustment proposed would not apply to a refiner whose crude run levels attributable to residual fuel oil production in or to be sold into PAD I were less than 5,000 BB/D. FEA believes that refiners producing and selling residual fuel oil in these volumes are not a significant factor in the PAD I market.

FEA's intention in this alternative proposal is to grant entitlement benefits under the program for residual fuel oil production in or sold into PAD I only to the extent necessary to enable domestic refiners to compete with residual fuel oil imports from the Caribbean, Europe and other parts of the world, but with a minimum entitlement value in all cases initially estimated at approximately 78¢ per barrel (or 25% of the assumed $3.10 entitlement value). Thus, the operation of the entitlements program under these procedures would tend to reduce distortions now present in the East Coast residual fuel oil market and place all refiners and marketers on a competitive basis, regardless of the source of their supplies. An amendment to § 211.67(m) set forth in this proposal would require any increased costs associated with the proposed adjustment to the entitlements program for residual

fuel oil to be attributed directly to prices for residual fuel oil.

An example of how the proposal would operate is as follows. Assuming first that the imputed selling price for a particular grade of residual fuel oil is $14 per barrel, based on an average May 15, 1973 crude cost of $3 and a current weighted average imported crude cost for all refiners of $13 (resulting in an increased crude cost of $10), and a selling price for that grade of residual fuel oil on May 15, 1973 of $4, and secondly that the weighted average import price for the month in question for that particular grade of residual fuel oil is $12 per barrel, the refiner would receive a $2 entitlement benefit per barrel for that grade of its residual fuel oil production in or sold for consumption or resale into PAD I, since the import price is lower than the refiner's imputed selling price by that amount. Thus, if the entitlement value per barrel of crude oil runs to stills in the month in question was $3.10, the refiner would not be eligible to receive $1.10 of that per barrel figure.

In its analysis of the most appropriate means to protect against future and eliminate any existing PAD I market distortions, FEA was cognizant of the difficulties in formulating a regulatory procedure that would enable all firms to operate on a competitive basis, regardless of whether their source of supply was a domestic or foreign refiner. The procedures proposed under this alternative may not be of the requisite level of sophistication, since there are market factors to which FEA does not give effect in the calculations, and FEA therefore invites comments as to any other factors that should be utilized in its calculations effecting the proposed adjustments. In this connection, FEA generally invites comments as to whether this alternative should be implemented by means of a flat deduction from a refiner's crude runs, for example a 75% deduction as to crude runs attributable to production of residual fuel oil in or for sale into PAD District I. In view of the possibility of making the regulatory amendments for the PAD District I residual fuel oil market effective for February 1976 entitlements, FEA hereby gives notice to all firms that perhaps the only administratively feasible method of so doing under an approach similar to Alternative #1 would be to utilize a flat deduction of the type described above for February and perhaps March entitlements.

FEA also invites specific comments on the following technical provisions incorporated in this alternative. First, FEA requests comments as to its initial selection of two grades (by sulphur content) of residual fuel oil for purposes of calculating pricing advantages or disadvantages, and as to whether the grades selected are priced on a relatively equivalent basis or whether additional or fewer grades would be preferable. In particular, comments are requested as to whether if residual fuel oil production and imports were not broken down by sulphur content grades, the calculations proposed would yield sufficiently accurate results. Secondly, FEA invites comments and requests advice as to the most accurate means of determining the weighted average import prices to marketers for the specified grades of residual fuel oil, as to which types of marketers should report under the program, and as to whether consumer import prices should also be reflected. FEA also requests comments as to the appropriateness of excluding imports from the U.S. Virgin Islands and sales in Puerto Rico for purposes of these adjustments and as to whether its exemption of a refiner that produces less than 5,000 B/D of residual fuel oil for sale into PAD I is appropirate, or whether this exemption should be at a higher or lower level. In addition, FEA invites comments as to potential problems or undesirable production or marketing incentives (especially with regard to the production of No. 2 heating oil) that may arise under this alternative. Finally, FEA solicits comments as to whether the minimum 25% entitlement value per barrel advantage for domestic refiners is the correct amount to preserve incentives to refine crude oil domestically, and to help maintain lower East Coast residual fuel oil prices.

Estimated Price Effect of Alternative #1. FEA's analysis of the impact on residual fuel oil prices of the adoption of Alternative #1 is as follows. Current product prices for domestic refiners are determined largely on the basis of feedstock costs during the months of November and December 1975 and January 1976. To determine a potential price adjustment it is necessary to measure the difference between the feedstock costs which result in the current price levels and those which are estimated to be in effect under Alternative #1.

For a domestic refiner processing imported crude oil in November 1975, its estimated crude oil cost of $13 would be reduced by a $3.07 benefit under the entitlements program, but at the same time increased by the $2.00 supplemental import fee, resulting in a crude oil cost for residual fuel oil production of approximately $11.93.

Under Alternative #1 for the month of March 1976, for example, this refiner could experience a slight increase in the costs of crude processed into residual fuel oil. Assuming removal of the $2.00 supplemental import fee and an approximate minimum entitlement benefit of 78¢ per barrel (25% of the estimated $3.10 per barrel entitlement benefit under the entitlements program as projected to be applicable for March 1976 entitlements), this refiner's crude cost would increase from approximately $11.93 to $12.22. FEA further estimates that domestic refiners would increase their residual fuel oil prices to reflect their increased crude costs by at least the amount of these increased costs, or approximately 30¢ a barrel. FEA also estimates that foreign refiners marketing in the East Coast would similarly increase their prices for residual fuel oil by at least this amount, which would result in an overall average projected per barrel price increase of 30¢.

On a direct cost per household basis, a 30¢ per barrel increase in the price of residual fuel oil sold in PAD District I would have the following effect:

Region:	*Yearly increase*
New England	$2–2.50
Middle Atlantic	1–1.50
South Atlantic	1–2.00

Prices would not be affected to this extent, however, if supplies were available on the world market, the world market price for residual fuel oil is not influenced by the domestic market, and this price remains at a depressed level.

Alternative #2. FEA is also hereby proposing an alternative procedure intended to render marketers reliant on supplies purchased from foreign refiners competitive with domestic refiners. As opposed to increasing the domestic refiners' costs for their residual fuel oil production, as under the first proposal, this alternative consists of the issuance of entitlements directly to marketers (and perhaps consumers that import directly) to lower the costs of their imports (other than from the U.S. Virgin Islands) to a level equivalent to that of domestic residual fuel oil production. For the months November 1974 through January 1975, FEA did issue entitlements in this manner with respect to imports of residual fuel oil and home heating oil (including No. 2–D diesel fuel) at the per barrel rate of 3/10 of the value of a barrel of crude oil included in a refiner's crude oil runs to stills. Effective February 1, 1975, however, these entitlement issuances were eliminated, and the differential between imported and domestic products was accounted for under the supplemental fee system, which granted imported products a fee discount (as compared to imported crude oil) equivalent to the prior entitlement benefits.

The mechanism that FEA would utilize to issue entitlements for residual fuel oil imports would be similar to that in effect for the first three months of the program described above, and FEA requests comments as to the following specific areas should this alternative approach be adopted. FEA now believes that residual fuel oil may be the only product import that merits entitlement issues under the program, although FEA invites comments as to whether this initial conclusion is valid. FEA also solicits comments on the appropriate entitlement value to be assigned to imports of residual fuel oil (or any other product covered) and as to which firms should be made eligible for entitlement issuances. The definition of eligible firm now set forth in § 211.62 should be the basis for comments on this latter issue.

Finally, FEA invites comments on the compatibility of product entitlement issuances with decontrol. FEA believes that it might be difficult to accomplish decontrol of the marketing sector for residual fuel oil if domestic marketers buying imported product at fluctuating world price levels were to receive enti-

tlement benefits the value of which bears no direct relationship to the difference between imported and domestic residual fuel oil price levels. Since the operation of the entitlements program is interrelated to the concurrent application of the price regulations to ensure that entitlement revenues are passed through, FEA feels that issuance of residual fuel oil import entitlements might very well be so inconsistent with its decontrol proposal that adoption of this alternative could effectively eliminate any possibility of decontrol.

Estimated Pricing Effect of Alternative #2. Should Alternative #2 be adopted and a three-quarter entitlement value (i.e. equivalent to 75% of the entitlement value of a barrel of crude oil included in a refiner's crude runs) be issued for residual fuel oil imports, the national per barrel entitlement value would be reduced by the ratio of three-quarters of the volume of residual fuel oil imports into PAD District I to total crude oil runs to stills by all domestic refiners. Assuming that these imports average about 1 million barrels per day and that domestic crude runs average about 13 million barrels per day, the per barrel entitlement value would be reduced from about $3.10 per barrel to about $2.96 per barrel. This 14¢ per barrel decrease is entitlement benefits would, therefore, increase the average feedstock costs for all domestic refiners by that amount or about .3¢ per gallon.

In PAD District I, residual fuel oil prices would be expected to decrease by approximately $1.90 per barrel. This results from the fact that non-refiner importers would receive a per barrel entitlement of about $2.20. At the same time the feedstock costs of their principal competition (Amerada Hess) are expected to decrease by about $1.90 per barrel (the net effect as to Hess of the removal of the $2.00 supplemental import fee and the decrease in its entitlement benefits from approximately $3.05 to $2.96 per barrel). Thus, domestic refiners should reduce their prices by the approximate amount of their crude cost reductions, or $1.90. Consequently, the estimated entitlement benefit of $2.20 afforded the importers of foreign residual fuel oil will enable them to reduce their prices by that same amount to be competitive with domestic refiners while, at the same time, permit them to offiset at least a portion of the losses currently being sustained at certain of the offshore refineries.

On a regional basis, the following direct cost impacts per household are estimated assuming adoption of Alternative #2:

	Yearly per household increase (decrease) 75 pct. entitlement value
New England	$(8.09)
Mid Atlantic	(3.41)
South Atlantic	(8.39)
East North Central	4.09
East South Central	3.73
Mountain	4.33
Pacific	3.29
West North Central	4.40
West South Central	3.97
Average total United States	.02

Agency Requests for Specific Comments. Finally, FEA has requested by separate letters that the domestic refiners and marketers with the most significant residual fuel oil sales volumes in PAD I supply, as a part of the written comment record, detailed information as to their marketing structure, historical and current competitive position in the East Coast market, and general information as to the profitability (both historic, current and as projected under each of the alternative proposals) of their residual fuel oil sales. FEA also invited each of these firms to comment as to their projections of the effect of each alternative proposal set forth herein on the PAD I market as a whole, and on that firm's position in that market in particular. FEA has requested that these detailed comments be filed as a part of the public record by February 25, 1976, which is six days before the date of the public hearing. This will permit presentations at the public hearing to take into account and address these firms' comments.

II. Amendments to Reflect Three Tier Price System

On February 1, 1976, FEA issued a final rule (41 FR 4931; February 3, 1976) that essentially provides for a two tier pricing structure for domestic crude oil, both of which tiers (upper and lower) will be subject to ceiling prices below current world market levels. The new pricing provisions were effective February 1, 1976.

The lower tier of the new pricing structure essentially consists of what is now defined as old oil, except that the base production control level for old oil is no longer the corresponding month in 1972 but the actual average monthly production and sale of old oil for each property during the calendar year 1975. Upper tier production is all domestic production not classified as lower tier production and is initially subject to a ceiling price averaging $11.28 to result in a domestic composite first sale price of $7.66 (when taken with the average old oil price of $5.25 and an assumed 40/60 ratio between upper and lower tier production). Generally, all current cumulative deficiencies in old oil production up to January 31, 1976 have been eliminated, but commence again to accumulate after February 1, 1976. All domestic production (including stripper well oil) is subject to ceiling prices under these new rules implementing the EPCA's pricing provisions, and is either classified as old oil (lower tier) or upper tier crude oil, in which latter category stripper well oil is included. The concept of released crude oil under the regulations in effect prior to February 1 has been eliminated, although it should be noted that released crude oil production in 1975 is built into the classification of upper tier crude oil, since the base production control level reflects production of released crude oil in 1975.

The ceiling prices for the lower and upper tiers are computed generally as follows. Lower tier prices continue to be calculated in the same manner that prices for old oil are currently calculated, i.e. by reference to May 15, 1973 selling prices plus $1.35 per barrel. Upper tier production would be priced by reference to postings in September 1975. To attain the required upper tier national average price of $11.28, upper tier crude oil will be sold at the highest posted price in the field concerned on September 30, 1975 less $1.32 per barrel.

For a more complete description of these pricing rules, reference should be made to FEA's February 1, 1976 rulemaking.

With this as background, FEA has concluded that there is likely to exist a substantial disparity between the domestic upper tier prices and the landed cost of imported crude oil, especially when any future increases in world price levels take effect. Indeed, since the outset of the entitlements program, a disparity of this type has been evident, although not to as great a degree as is likely once the new proposed domestic two tier system becomes effective.

For example, FEA data indicate that for the months of January through November 1975, the weighted average costs to refiners of old, uncontrolled domestic, and imported crude oils, respectively, were as follows:

Weighted average crude costs to refiners in 1975

Month	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Old	5.50	5.40	5.38	5.35	5.37	5.35	5.31	5.33	5.33	5.31	5.34
Domestic uncon	11.49	11.81	11.88	11.96	12.07	12.24	12.64	12.85	13.03	13.04	13.27
Import	12.52	13.07	13.41	13.17	13.30	13.84	13.94	14.09	13.99	14.45	14.92

As shown above, the spread between uncontrolled domestic and imported crude prices ranged from 96¢ (in September 1975) to $1.65 (in November 1975). This compares with a potential spread of $1.72 between the weighted average price for upper tier production of $11.28 and a projected weighted average import price of $13.00.

The entitlements program was initially designed for the two-tier price system for domestic crude oil in effect prior to February 1 where imported prices would theoretically be equivalent to prices for uncontrolled domestic production. As shown above, however, exact price parity between uncontrolled domestic and imported crude oil does not exist and, furthermore, it is not projected to exist under the new pricing structure for domestic crude oil, unless world crude prices decline below the controlled domestic upper tier prices.

The entitlement price under the program currently in effect to a certain extent may reward refiners with large supplies of uncontrolled domestic (as opposed to imported) crude oil since the price is determined by subtracting the weighted average old oil costs from the weighted average of the prices of uncontrolled domestic and imported crudes. Therefore, refiners reliant upon imported crude oils have been at a slight crude cost disadvantage under the program, which disadvantage would tend to be aggravated under the new domestic pricing system.

The implementation of the EPCA's pricing policies thus requires a reconsideration of the structure of the entitlements program. Although the removal of the supplemental fee will tend to narrow the spread between uncontrolled domestic and imported crude oils, a potential for continued increases in imported prices still exists. Thus, FEA believes it important to modify the structure of the entitlements program so that the present price differentials, as well as increased future differentials of the type discussed above, will be accomdated appropriately into the cost equalizing effects of the program.

To accomplish cost equalization under what is proposed to be in effect a three-tier system, the entitlements program is proposed to be modified to allocate old (lower tier) and new and stripper well (upper tier) domestic crude oil through entitlement transactions, with differing entitlement weights being assigned to possession of supplies of old oil as opposed to those of upper tier oil. First, the entitlement price would be set at the difference between the weighted average costs to refiners for old oil and such weighted average costs for imported crude oil. Then, each refiner would receive entitlements based on its crude runs for the national average supply levels of old oil (as is presently done) and of upper tier crude oil. However, since a single entitlement price would be utilized, the national average supply level for upper tier crude oil will be multiplied by a fraction equal to the ratio of the differential between the weighted average prices for imported crude oil and for upper tier crude oil, on the one hand, and the entitlement price, on the other hand. Similarly, refiners would account for their excess old oil supplies with a full entitlement for each barrel of excess supplies and for their excess upper tier crude oil supplies with the fractional entitlement value as computed for the particular month. Utilization of a weighted entitlement issuance for upper tier crude oil supplies woud allow FEA to continue to administer the program with transactions being limited to one class of entitlements.

The following example illustrates the method of calculation of entitlement purchase and sale obligations under this proposal.

For this purpose it will be assumed that total crude runs and receipts are 405 million barrels; domestic crude oil is 60% of the total receipts (243 million barrels); and of the domestic crude oil receipts, 60% is old oil (145.8 million barrels) and 40% is new and stripper well oil (97.2 million barrels). It is also assumed that the old oil weighted average cost to refiners is $5.25 per barrel; the upper tier oil cost is $11.28 and the imported crude oil (162 million barrels) cost is $13.00.

Using this data, the entitlement price is $7.75 ($13.00−$5.25), and the fractional entitlement value for upper tier oil is calculated as follows:

$$\frac{13.00-11.28}{7.75}=.222$$

Further, assuming the combined impact of the small refiner bias (SRB), Special Rule No. 6 (SR6) and FEA Office of Exceptions and Appeals relief (EAR) is 2% of total runs, an additional 8.1 million barrels are removed from the numerator of the ratio.

Thus, the national domestic crude oil supply ratio (DOSR) would be calculated as follows:

$$.393\ (\text{DOSR})=\frac{145.8\ \text{Mbbl (old oil)}+.222\ (97.2\ \text{Mbbl})\ \text{(upper tier oil)}-8.1\ \text{Mbbl (SRB+SR6+EAR)}}{405\ \text{Mbbl (crude runs)}}$$

Refiner X's volume of crude runs to stills for the month is 6 MMB, and its receipts of old oil total 2.4 MMB; of upper tier oil, 1.2 MMB; and of imported oil, 2.4 MMB. Using industry average costs, its average cost of crude prior to entitlement transactions would be $9.56.

Refiner A would be issued entitlements on the basis of its crude runs times the DOSR (.393), or a total of 2,358,000 entitlements. For its old oil receipts (2.4 MMB) and for .222 of its upper tier oil receipts (1.2 MMB), Refiner A would be required to have been issued or to purchase a total of 2,666,400 entitlements (2,400,000 for its old oil receipts and 266,400 for its upper tier receipts).

Thus, Refiner A has a purchase requirement of 308,400 entitlements, and entitlement costs of $2,390,100 are added to its crude costs, yielding a post-entitlement crude cost of $9.96.

This compares to a national average crude cost of $9.80. After entitlements, however, the effect of the various small refiner preferences is 16¢ per barrel for all refiners not affected by these preferences, giving them an average cost of $9.96.

FEA solicits comments as to whether the calculations under the program, if made as described above, would accomplish effective cost equalization under the new proposed pricing structure, and as to whether the domestic receipts of upper tier crude oil should be given a fixed advantage over receipts of imported crude oil in the calculations to preserve incentives for refining domestic crude oil.

FEA also invites comments as to whether the appropriate effective date for these provisions should be February 1 or March 1, 1976, given that refiners' February 1976 receipts will include significant volumes of new, released and stripper well crude oils priced under the regulations as in effect in January.

III. Miscellaneous Amendments

1. Crude Oil Exchanges (§ 211.67(g)). The amendments proposed to § 211.67 (g) are for two basic purposes, the first being to clarify the application of these provisions to exchanges pursuant to which foreign crude oil is exchanged for domestic crude oil, and the second to expand their coverage to domestic upper tier crude oil.

Section 211.67(g) as presently in effect provides that where crude oil is exchanged in a transaction where the differences in the volume or price as to the volumes exchanged are determined solely by quality and location differentials, the old oil subject to the exchange is deemed to be retained by the firm that has exchanged the physical volumes away. Thus, generally the crude oil received by a firm that has exchanged away old oil assumes the characteristics (as far as old oil content is concerned) of the physical volumes so exchanged away. The basic purpose of this provision is to require refiners to account for old oil under the program as to which they have received the competitive benefits associated with its lower acquisition cost.

The amendments proposed to these provisions clarify and make explicit the application of § 211.67(g) in situations where exchange balances are delivered outside the United States. The amendments also make it clear that the provisions of § 211.67(g) apply to exchanges of crude oil among all types of firms, not just refiners, and that the term refiner for purposes of these provisions includes all parts of a firm that owns, operates or controls the operations of one or more refineries.

Under the clarifying amendments proposed hereby domestic crude oil which is exchanged (in the type of transaction described in § 211.67(g)(1)) for foreign crude oil delivered and processed

outside the United States must be reported in one of two ways, depending on whether the domestic firm exchanging away the domestic crude oil is a refiner or a firm other than a refiner. First, a refiner that exchanges away domestic crude oil and receives in exchange foreign crude oil which is delivered and processed outside the United States is deemed to retain that domestic oil and is required to include the related volumes of domestic crude oil in its crude oil receipts at the time the volumes thereof are so exchanged away. On the other hand, where domestic crude oil is exchanged away by a firm other than a refiner for foreign crude oil which is delivered and processed outside the United States, the provisions of § 211.67(g) do not apply; that is, the volumes of domestic oil subject to the transaction are not deemed to be retained by the firm exchanging away such volumes. Accordingly, the transfer of these domestic volumes within the United States pursuant to an exchange transaction in which other oil is also transferred outside the United States is considered to be a sale subject to the certification requirements of § 212.131, and the domestic refiner which ultimately refines that domestic oil must include the volumes thereof as volumes of domestic oil in its crude oil receipts at the appropriate time as provided in § 211.62.

FEA invites comments as to whether it should adopt an alternative approach on a prospective basis which would require refiners exchanging away domestic crude oil for an exchange balance delivered overseas to treat the delivery of domestic crude oil in the United States as a sale.

Additional amendments proposed hereby specify that domestic crude oil subject to § 211.67(g) shall be included in a refiner's crude oil receipts generally when the refiner (or refining entity of an integrated company) receives the related exchange balance, unless the transaction involves an exchange balance delivered outside the United States, in which case that domestic crude oil is required to be included in the refiner's receipts at the time it is exchanged away. The proposed amendments also make it clear that the provisions of § 211.67(g) apply to all firms engaged in crude oil exchanges, including producers and brokers acting as resellers, as well as refiners.

2. *Corrections for reporting errors (§ 211.67(j)).* FEA is also proposing to clarify the manner in which refiners correct reporting errors under the program and to provide for a special correction mechanism for the first ten months in which the program was in effect.

In determining the reporting events on which the program would be based and the time period following a month for filing the related report, FEA performed a substantial amount of analysis to ensure that the operation of the program would not be impaired by inaccuracies in the figures reported. For example, FEA structured the definition of crude oil receipts (the reporting event that determines at what time a refiner must account for its old oil supplies) to conform to refiners' historical accounting procedures. In addition, the Bureau of Mines definition of crude oil runs to stills was utilized, in that refiners were already accustomed to reporting on this basis.

Nevertheless, for the first ten months during which the entitlements program was in effect (November 1974 through August 1975), most refiners experienced difficulties in adjusting their internal accounting methods so that the correct data (primarily as to old oil receipts) would be available in a timely fashion for compliance with the program's reporting requirements. The result was that substantial reporting errors were common in this period for all types of refiners. The proper correction of these errors was made difficult by the fluctuations in the national old oil supply ration from month to month, which fluctuations were in turn to a certain extent aggravated by the volume of corrections in this period. FEA's corrective adjustments in this period were also rendered anomalous in certain cases by the effects of Special Rule No. 3 on entitlement sellers for the month November 1974 through February 1975, since specified percentages of corrected amounts were eliminated as to firms that were sellers in these months.

In addition, the regulations were unclear in some cases as to the events that were properly classifiable as retroactive invoice adjustments (under the definition of adjusted crude oil receipts in § 211.62) and those that called for correction of a previously filed report by the filing of an amended report (under § 211.67(i)). This latter distinction was of significance since retroactive invoice adjustments are treated as adjustments on a purely volumetric basis for the month in which the revised invoice is received. On the other hand, amounts reported as corrections for reporting errors are adjusted in volume to reflect the differing entitlement prices for the month as to which the error was made and the month in which it is being corrected.

FEA has concluded that its present system, with a distinction between retroactive invoice adjustments and other reporting errors, is valid and should be retained, but that these different reporting events should be more precisely defined. In addition, FEA has initially determined that corrections to entitlement issuances for the first ten months during which the program was in effect should be handled in a manner distinct from that applicable to all subsequent months due to the impossibility of correcting for these errors in an equitable fashion using the normal procedures under the program.

For these first ten months, the following table shows the entitlement price, the published national old oil supply ratio and the effect of Special Rule No. 3 on sellers' amounts. FEA estimates that the corrected national old oil supply ratios for certain of these months may vary by as much as 1% from the published ratio, if all volumes subsequently reported as errors (as distinct from retroactive invoice adjustments) were included in the proper month.

Month	Entitlement price	Published NOOSR	Sellers' percentage reduction
1974			
November	$5.00	0.410521	23.25
December	5.00	.400295	16.88
1975			
January	6.00	.352298	20.94
February	6.75	.373059	8.17
March	7.31	.358038	
April	7.29	.390265	
May	7.39	.3 2595	
June	7.82	.360078	
July	8.13	.353611	
August	8.31	.351600	

It can be seen from the above table that, to the extent corrections were incorporated in a month subsequent to the month as to which the error was made, even with a consideration of entitlement price differentials, dramatically different results might occur as contrasted with the result of including the amount in the proper month.

Thus, pursuant to proposed § 211.67(j)(2), FEA would recalculate the proper ratios for each of the above months and arrive at an aggregate net plus or minus dollar amount for each firm for all of these months, based on the inclusion of all amounts reported as errors in the month as to which the error was made and the calculation of a revised national old oil supply ratio for each of these first ten months. Retroactive invoice adjustments for this period would continue to be reflected in the month in which the invoice was received. Once each refiner's net plus or minus dollar position under the program for this period is arrived at, these amounts would be reflected in the entitlement issuances for the period March through June, 1976, substantially equal adjustments being made in each such month.

In addition, FEA proposes to expand the definition of "adjusted crude oil receipts" in § 211.62 to clarify that retroactive invoice adjustments include corrections of good faith estimates based on prior experience as to the old or upper tier crude oil content of a particular delivery of crude oil. As is presently the case, these adjustments would be reflected on a current basis in a refiner's crude oil receipts. On the other hand, reporting errors requiring the submission of an amended report are proposed to include clerical errors and inaccurate estimates as to the domestic crude oil content of a particular delivery where there is no basis in past experience for the estimate. In addition, adjustments stemming from an FEA audit pertaining to a period more than 60 days prior to the month in which a revised invoice is received would be considered as errors in the prior months' reports. This latter provision is deemed necessary to equita-

bly account for certain adjustments resulting from FEA audits for the early months of the program, as well as for future audit adjustments of this type, where the entitlement prices for the adjustment period and the current month differ widely. Reporting errors (as is the case at present) would continue to require the filing of an amended report and would be adjusted giving effect to differentials in the entitlement price as set forth in § 211.67(j)(1).

If adopted, the above amendments governing the reporting of retroactive invoice adjustments and reporting errors (except for reporting errors for months prior to February 1976) would be made effective for refiners' reports to be filed for February 1976.

3. *Inclusion of Certain Condensates in Crude Runs and Receipts* (*§§ 211.62 & 211.67(d)(3)*). Section 211.62 and 211.67 (d) are proposed to be amended effective February 1, 1976 to provide that old oil and crude runs for purposes of the entitlements program include condensate recovered at the inlet side of a gas processing plant. The proposed amendment to the definition of old oil also clarifies that these condensates are not properly included in a refiner's crude receipts prior to February 1, 1976, despite the reference to § 212.72 for the definition of old oil for purposes of the program. The proposed clarifying amendment to the definition of old oil is necessary, since on August 29, 1975 FEA issued a clarifying amendment to the definition of "crude oil" in § 212.31 which included (retroactive to the inception of the price regulations) within that definition volumes of condensate recovered at the inlet side of a gas processing plant (40 FR 40818, September 4, 1975). This latter amendment to the price regulations could be considered to have altered the definition of old oil for purposes of the entitlements program on a basis retroactive to the inception of the program.

Thus, without this limitation as to the retroactive effect of the price regulation amendment, refiners could technically be required to account under the program (by amending prior reports) for old oil supplies which were not properly includable in their crude runs (the latter being computed under § 211.62 in accordance with Bureau of Mines Form 6–1300–M). To avoid this anomalous result, these amendments effectively provide that prior to February 1, 1976, old oil for purposes of the program includes only those condensates (i.e. those recovered in lease separators or field facilities in associated and non-associated production) that are included in a refiner's crude runs under Bureau of Mines Form 6–1300–M. The proposal therefore requires a refiner over the period during which the program has been in effect prior to February 1, 1976 to report as old oil only those condensates for which it received entitlements and, effective February 1, conforms the feedstocks covered by the program to those classified and priced as crude oil under Part 212.

4. *Timing of Program and Reporting Requirements* (*§ 211.66 (h) and (i); § 211.67(i)*). The reporting requirements set forth in § 211.66(h) in connection with the monthly refiner's report are proposed to be amended to clarify and confirm that each refiner is required to certify to FEA the weighted average costs of old oil, of upper tier crude oil and of imported crude oil included in that refiner's crude oil receipts and that such costs shall include any transportation costs associated with delivery of those crude oils to the refinery. As to imported crude oil, refiners required to file transfer pricing reports shall utilize the landed cost as reported therein.

To ease the timing of report filings under the program, § 211.66(h) is also proposed to be amended to extend the date on or prior to which refiners must submit monthly reports to the fifth day of the second month following the month for which the report is filed. The issue date for entitlement notices under § 211.67(i) would be ten days following this later report filing date.

A new paragraph (i) is proposed to be added to § 211.66 which provides for the filing of reports by importers of residual fuel oil in connection with the entitlement adjustments proposed as to the East Coast residual fuel oil market.

5. *Export Sales Deduction* (*§ 211.67 (d)(2)*). In accordance with the requirements of 10 CFR 211.67(d)(2), the volume of a refiner's crude oil runs to stills must be reduced by the volume of its export sales of refined petroleum products (except refined lubricating oils). FEA proposes hereby to amend § 211.67 (d)(2) to include export sales of residual fuel oil as such a deduction and to clarify that the term "refined petroleum product" includes aviation fuels.

6. *Inventory Averaging* (*§ 211.67(h)*). Section 211.67(h) is proposed to be amended to make it clear that refinery shutdowns, whether due to routine required maintenance or to mechanical failures, qualify a refiner for purposes of the provision.

Public Comment and Hearing Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box FY, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Amendments to Entitlements Program". Twenty-five copies should be submitted. All comments received by March 2, 1976, and all relevant information, will be considered by the FEA in any final decisions on the matters set forth herein. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on March 2, 1976, and will be continued, if necessary, on March 3, 1976 in Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the subject matter of this notice of proposed rulemaking or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., February 23, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through March 1, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., February 25, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. before 4:30 p.m., e.d.t., on March 1, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., February 27, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, (Pub. L. 93–275) a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments at this time.

In addition, the FEA has determined that its concurrent actions to adjust the entitlements program in order to correct certain distortions in the East Coast residual fuel oil market and to exempt residual fuel oil from regulations will not significantly affect the quality of the human environment. As a result of its environmental assessment, no environmental impact statement will be proposed. However, in connection with this proposal to adjust the entitlements program, FEA is receptive to public comment and information concerning the environmental effects, if any, of either proposal or any reasonable alternative. FEA will review the information thus received to determine whether any new facts are adduced which would lead to the conclusion that either proposal may significantly affect the quality of the human environment and take any further action under the National Environmental Policy Act of 1969 as may be appropriate.

Copies of the environmental assessment on the combined action will be available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the document will also be available for public review in the FEA Information Access Reading Room, Room 3116, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the combined action and the environmental assessment in accordance with the instructions for filing written comments previously set forth.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and, as to the proposed amendments described under the captions "Amendments to Reflect Three Tier Price System" and "Miscellaneous Amendments", has been determined not to be of a nature that requires an evalutaion of its inflationary impact pursuant to Executive Order 11821. The evaluation of the inflationary impact of the alternative proposals described under the caption "Proposed Entitlement Program Amendments for PAD District I Residual Fuel Oil Market" accompanies the description of these proposals.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 12, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.62 is amended in the final sentence of the definition of "crude oil receipts" and in the definitions of "adjusted crude oil receipts," "entitlement" and "old oil"; to delete the definitions of "adjusted national old oil supply ratio," "new crude petroleum," "old oil supply ratio" and "released crude petroleum"; and to add, in appropriate alphabetical sequence, new definitions of "national domestic crude oil supply ratio" and "upper tier crude oil" to read as follows:

§ 211.62 Definitions.

"Adjusted crude oil receipts" means the crude oil receipts of a refiner in a particular month the composition of which has been adjusted to reflect any invoice which is received in that month for domestic crude oil (including crude oil sold under § 211.65) delivered to that refiner in any previous month (excluding, however, months prior to November 1974), and which has the effect of increasing or decreasing the volume of old or upper tier crude oil reported by that refiner under § 211.66(i) for such previous month, in cases where such previously reported volume was based on either a prior invoice or a good faith estimate (based on that refiner's past experience as to the composition for pricing purposes of domestic crude oil of the same origin) as to the old and upper tier crude oil content of that crude oil delivery.

* * * * *

"Entitlement" means, for a particular month, the right of the refiner owning the entitlement to include one barrel of domestic crude oil (as provided in § 211.67(b)), in its adjusted crude oil receipts in that month. The issuance and transfer of entitlements shall be evidenced on records maintained by the FEA.

"Crude oil receipts" . . . The volume of domestic crude oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts.

* * * * *

"National domestic crude oil supply ratio" means, for a particular month, the sum of (a) the volume of old oil included in the aggregate adjusted crude oil receipts of all refiners (decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67(e)) and (b) the volume of upper tier crude oil included in the aggregate adjusted crude oil receipts of all refiners, multipled by a fraction the denominator of which is the entitlement price for the month and the numerator of which is that entitlement price less the reported weighted average cost to refiners of upper tier crude oil for that month, expressed as a percentage of the total volume of the crude oil runs to stills for all refiners for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

"Old oil" means old crude oil as defined in § 212.72 of this chapter, except that old oil receipts prior to February 1, 1976 shall not include condensate recovered at the inlet side of a gas processing plant.

* * * * *

"Upper tier crude oil" means, effective February 1, 1976, new crude oil as defined in § 212.72 of this chapter and crude oil produced and sold from a stripper well lease as defined in § 212.74 of this chapter.

* * * * *

2. In Section 211.66 paragraph (h) is revised and new paragraph (i) is added to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(h) *Monthly report.* On or prior to the fifth day of each month, commencing with the month of April 1976, each refiner shall file with the FEA a report certifying the following information as to the second month prior to the month in which the report is filed:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner.

(2) The estimated volume (to the best of the knowledge of the certifying officer) of upper tier crude oil included in the crude oil receipts of that refiner.

(3) Any permitted or required adjustments to the estimated volumes of old and upper tier crude oil included in the crude oil receipts of that refiner.

(4) The volume of crude oil runs to stills of that refiner, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(5) The weighted average costs for that refiner (including transportation costs to the refinery) of old oil, upper tier crude oil and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph shall be derived from the vol-

umes and landed costs set forth in such reports.

(6) That refiner's weighted average cost of crude oil and selling prices for the grades (by sulphur content) of residual fuel oil specified in paragraph (d)(4) of § 211.67 sold into PAD District I, both as of May 15, 1973.

(7) Such other information as the FEA may request.

(i) *Residual fuel importer report.* On or prior to the twentieth day of each month, commencing with the month of March 1976, each importer that imported residual fuel oil into PAD District I shall file with the FEA a report certifying the following information as to the month prior to the month in which the report is filed:

(1) That firm's volume of residuel fuel oil imported into PAD District I, separately identifying each shipment or delivery thereof and residuel fuel oils with a sulphur content by weight of 1% and below and those with a sulphur content of above 1%.

(2) The port or place of origin of each such shipment or delivery of residuel fuel oil.

(3) The cost to that firm (including transportation costs to the point of delivery in PAD District I) of each such shipment or delivery of residual fuel oil.

(4) Such other information as the FEA may request.

3. Section 211.67 is revised in all paragraphs except paragraph (f) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.* (1) For each month, commencing with the month of February 1976, each refiner shall be issued a number of entitlements by the FEA equal to the number of barrels of crude oil included in the total volume of that refiner's crude oil runs to stills for that month multiplied by the national domestic crude oil supply ratio for that month, subject to the entitlement adjustment for small refiners set forth in paragraph (e) of this section.

(2) Refiners to which entitlements shall be issued under this section shall include all refiners classified as refiner-buyers or refiner-sellers as of December 1, 1974 for purposes of § 211.65. Any refiner that is not so classified, or the refinery capacity of which is not certified by the FEA for purposes of § 211.65, shall apply to the FEA for certification of its refinery capacity for purposes of qualifying to receive entitlements under this section. With respect to the granting of any such application for certification, the FEA shall consider the factors set forth in § 211.65(b)(v) and (vi).

(b) *Required purchase of entitlements by refiners.* (1) For each month, commencing with the month of February 1976, each refiner that has been issued fewer entitlements for that month than the number of barrels of domestic crude oil (as calculated under paragraph (b)(2) of this Section) included in its adjusted crude oil receipts shall purchase a number of entitlements effective for that month equal to the difference between the number of barrels of domestic crude oil (as so calculated) included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Entitlement purchases required under this paragraph (b) with respect to a particular month shall be effected by the close of the second month following that month.

(2) For purposes of calculating the number of barrels of domestic crude oil deemed to be included in a refiner's adjusted crude oil receipts under paragraphs (b)(1)(c) of this section, each barrel of old oil shall be equal to one barrel of domestic crude oil and each barrel of upper tier crude oil shall be deemed to constitute that fraction of a barrel of domestic crude oil the denominator of which is the entitlement price for that month and the numerator of which is the difference between that entitlement price and the weighted average costs to refiners of upper tier crude oil for that month.

(c) *Refiners and other firms with excess entitlements.* For each month, commencing with the month of February 1976, each refiner that has been issued a greater number of entitlements for that month than the number of barrels of domestic crude oil (as calculated under paragraph (b)(2) of this section) included in its adjusted crude oil receipts shall sell such excess entitlements and any eligible firm (other than a refiner) that has been issued entitlements shall sell such entitlements.

(d) *Adjustments to volume of crude oil runs to stills.* (1) A refiner's volume of crude oil runs to stills shall (i) include (A) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and (B) the volume of crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and (ii) exclude the volume of crude oil processed by that refiner for another refiner pursuant to a processing agreement.

(2) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio shall be reduced by that refiner's volume of export sales in that month of refined petroleum products (including aviation fuels as defined in § 211.142, but excluding refined lubricating oils) and residual fuel oil including sales to a domestic purchaser which certifies the product is for export.

(3) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio shall include (i) effective February 1, 1976, the total number of barrels of condensate recovered at the inlet side of a gas processing plant and utilized in that month as inputs to distillation units by a refiner, measured in accordance with the Bureau of Mines Form 6–1300–M, and (ii) the total number of barrels of plant condensate and the total number of barrels of synthetic crude oil made from tar sands which are imported from Canada and are utilized in that month as inputs to distillation units by a refiner, measured in accordance with the Bureau of Mines Form 6–1300–M. Neither plant condensate nor synthetic crude oil made from tar sands which are imported from Canada shall be eligible for inclusion in the volume of a refiner's crude oil runs to stills under this paragraph (d)(3) unless payment has been made in accordance with Presidential Proclamation No. 3279 of any import license fees applicable to crude oil as defined for purposes of this section, which is imported for refining.

(4) For purposes of the calculations paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio, the volume of a refiner's crude oil runs to stills for a particular month attributable to production of residual fuel oil in a refinery located in PAD District I or for sale (whether directly for consumption or for resale) by that refiner into PAD District I shall be reduced by a fraction the numerator of which is the per barrel amount arrived at by subtracting the PAD District I weighted average import price for residual fuel oil for that month from that refiner's imputed selling price for residual fuel oil for that month, and the denominator of which is the entitlement value for each barrel of crude oil included in a refiner's crude oil runs to stills for that month (not giving effect to the provisions of paragraph (e) of this section). For purposes of this paragraph (d)(4): (i) A refiner's imputed selling price for residual fuel oil for a particular month shall be the weighted average of all refiners' May 15, 1973 selling prices for residual fuel oil sold into PAD District I (including transportation costs to the PAD District I market) plus the increased crude oil costs since May 15, 1973 for all PAD District I refiners (calculated by subtracting their May 15, 1973 weighted average crude oil costs from the weighted average cost of imported crude oil for all refiners for that month); (ii) the PAD District I weighted average import price for residual fuel oil for a particular month shall mean the weighted average cost to importers of all imports of residual fuel oil (other than imports from the U.S. Virgin Islands) into PAD District I for that month; (iii) a refiner's volume of crude oil runs to stills shall be reduced by any export sales deduction under paragraph (d)(3) of this section attributable to a refinery located in PAD District I; and (iv) PAD District I shall include the U.S. Virgin Islands, but shall not include Puerto Rico. For purposes of the calculations under this paragraph (d)(4) of this sec-

tion as to a refiner's imputed selling price for residual fuel oil and the PAD District I weighted average import price for residual fuel oil, separate calculations shall be made for residual fuel oil with a sulphur content by weight of 1% and below and for residual fuel oil with a sulphur content by weight of above 1%. The provisions of this subparagraph shall not apply to any refiner whose volume of crude oil runs to stills for a particular month attributable to the production of residual fuel oil in PAD District I or for sale for consumption or resale into that District does not exceed 5,000 barrels per day. In no case, shall the adjustments to the volume of a refiner's crude oil runs under this paragraph result in a deduction of more than three-quarters of that volume attributable to residual fuel oil produced in PAD District I or sold for resale or consumption into that District.

(e) *Entitlement adjustment for small refiners.* In addition to the number of entitlements issuable under paragraph (a) of this section, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued the following number of additional entitlements for each day of that month: (1) for each small refiner with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels, 1,258 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by 16.7733; (2) for each small refiner with a daily average volume of crude oil runs to stills of 30,000 to 100,000 barrels, 1,690 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by 6.1714; (3) for each small refiner with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels, 1,238 entitlements plus the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 10 by 22.6; and (4) for each small refiner with a daily average volume of crude oil runs to stills of zero to 10,000 barrels, 123.8 entitlements for each 1,000 barrels of that small refiner's daily average volume of crude oil runs to stills.

* * * * *

(g) *Exchanges of crude oil.* (1) Subject to the provisions of paragraph (g)(3) below, in any exchange of crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, no volumes of domestic crude oil shall be deemed to have been transferred. Any volumes of domestic crude oil exchanged away or sold pursuant to any such exchange or matching purchase and sale transaction shall be considered as having been retained by the refiner or other firm that has so exchanged away or sold such volumes, regardless of the volume of crude oil received or purchased by that refiner or other firm in such exchange or transaction.

(2) Subject to the provisions of paragraph (g)(3) of this section, volumes of domestic crude oil deemed to be retained by a refiner under the provisions of paragraph (g)(1) of this section shall be (i) included in that refiner's crude oil receipts at the time (A) that refiner receives the crude oil it acquires pursuant to the related exchange or purchase and sale transaction at its refinery, or (B) the crude oil acquired pursuant to the related exchange or purchase and sale transaction constitutes a crude oil receipt under § 211.62 to that refiner, whichever occurs first, or (ii) certified as old oil or upper tier crude oil, as the case may be, under the provisions of § 212.131 of this chapter when the crude oil acquired pursuant to the related exchange or purchase and sale transaction is sold to another firm.

(3) Where a refiner exchanges away or sells volumes of domestic crude oil in an exchange or matching purchase and sale transaction of the type described in paragraph (g)(1) of this section and receives in exchange or purchases in the transaction foreign crude oil that is delivered and processed outside the United States, that refiner shall include any domestic crude oil so exchanged away or sold by it in its crude oil receipts as of the date that domestic crude oil is so exchanged away or sold.

(4) The provisions of paragraph (g)(1) of this section shall not apply to transactions involving domestic crude oil which is exchanged away by a firm other than a refiner for foreign crude oil that is not processed in a refinery located in the United States. Any firm other than a refiner that has exchanged away or sold domestic crude oil within the United States pursuant to an exchange transaction in which other crude oil is also transferred outside the United States shall comply with the certification requirements of § 212.131 of this chapter as to any volumes of old oil or upper tier crude oil, as the case may be, so exchanged away or sold. Any domestic crude oil delivered to a refiner in the United States pursuant to a transaction of the type described in this paragraph (g)(4) shall be included in the crude oil receipts of the refiner that receives, directly or indirectly through further sales or exchanges, the volumes of domestic crude oil that are the subject of the transaction, as provided in § 212.62 of this chapter.

(5) For purposes of this paragraph (g), "refiner" means any firm that owns, operates or controls the operations of one or more refineries, and includes any entity that is a part of or affiliated with, or that controls or is controlled by (whether directly or indirectly), a refiner.

(h) *Averaging of crude oil receipts.* Upon application by a refiner in accordance with the procedures established under Subpart G of Part 205 of this chapter within thirty (30) days following the close of a month, the FEA may adjust the crude oil receipts of that refiner for that month to permit the portion of such crude oil receipts specified by the FEA to be included in the crude oil receipts of that refiner for one or more subsequent months, if the volume of crude oil receipts in that months is significantly disproportionate to the volume of that refiner's crude oil runs to stills for that month due to a shutdown (by reason of either a mechanical failure or normal maintenance procedures) resulting in a fifty percent (50%) or greater portion of that refiner's refinery capacity not having been operable for the duration of that month.

(i) *Issuance and transfer of entitlements.* (1) FEA shall issue entitlements for each month (effective for the month of February 1976 and subsequent months) pursuant to a notice issued on the fifteenth day of the second month following that month.

(2) Each notice published by the FEA evidencing the issuance of entitlements under this section shall specify as to a particular month the national domestic crude oil supply ratio, the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, the number of barrels of old oil and the number of barrels of upper tier crude oil included in each refiner's adjusted crude oil receipts and the price at which or price range within which entitlements shall be purchased and sold.

(3) No transfer of an entitlement shall be effective if made to (i) any person other than a refiner, or (ii) any refiner that is not purchasing such entitlement to fulfill such refiner's obligations under paragraph (b) of this section.

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month. Such price may be fixed in terms of a price range in which entitlement transactions shall be effected or in terms of a single price at which all entitlement transactions shall take place. Such price or price range shall be fixed by the FEA with reference to the differential between the weighted average costs to refiners of old oil and of imported crude oil, such costs to be equivalent to the delivered costs to the refinery.

(j) *Reporting errors.* (1) Refiners and eligible firms shall correct any errors contained in reports filed pursuant to § 211.66 by filing an amended report for the particular month. Based on any reporting errors so corrected, FEA in its discretion may adjust entitlement issuances to the refiner or eligible firm in one or more months subsequent to the month in which the amended report is filed with the FEA, by issuing fewer entitlements than the number otherwise issuable, by requiring the refiner or eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number

otherwise issuable to compensate for too few entitlements having been issued in such prior month. Amended reports setting forth corrections which would result in adjustments favorable to a refiner or eligible firm shall be filed no later than the fifth day of the second month following the month in which the report being corrected is required to be filed. Refiners and eligible firms which seek corrections in their favor subsequent to the additional two month period allowed for filing amended reports shall apply to the FEA for an exception from the provisions of this subparagraph in accordance with the procedures established in Subpart D of Part 205 of this chapter. All entitlement issuances or purchase requirements under this subparagraph shall give effect to any differential between the entitlement price for the month in which any correction is reflected as compared with the entitlement price for the month as to which the reporting error was made (except with respect to corrections to volumes of crude oil runs to stills where a corresponding adjustment to crude oil receipts was made as contemplated by the term "adjusted crude oil receipts" in § 211.62) and such other factors as the FEA deems appropriate.

(2) Notwithstanding the provisions of paragraph (j) (1) of this section, corrections of reporting errors for the months November 1974 through August 1975 shall be made as follows. FEA shall recalculate for those months the purchase and sale obligations (giving effect to any applicable relief under decisions and orders issued by FEA's Office of Exceptions and Appeals and to the provisions of Special Rule No. 3 for Subpart C) of all refiners and eligible firms based on inclusion in each month of each refiner's and eligible firm's corrected volume (as reported to the FEA) of crude oil runs to stills, volume of old oil included in its crude oil receipts (other than adjustments effected as contemplated by the term "adjusted crude oil receipts" in § 211.62) and eligible product imports. No entitlement price adjustment as contemplated by paragraph (j) (1) of this section shall be made in the calculations under this subparagraph (2). FEA shall then aggregate for each refiner and eligible firm its net purchase or sale amount (in dollars) for these months and apply these amounts in substantially equal portions (translated into current entitlement values) to that refiner's or eligible firm's entitlement purchase or sale obligations for the months of March through June 1976.

(3) For purposes of this paragraph, errors required to be corrected by the filing of amended reports include (i) clerical errors, (ii) inaccurate estimates as to the domestic crude oil pricing composition of a particular volume of crude oil where the refiner had no basis, in prior experience or otherwise, on which to make that estimate, and (iii) revised invoices as to the domestic crude oil pricing composition of a particular volume resulting from an FEA audit adjustment for a period more than 60 days prior to the receipt of the revised invoice.

(k) *Failure to consummate transactions.* The FEA may direct refiners that have not purchased the required number of entitlements under paragraph (b) of this section for a particular month to purchase such required number of entitlements at a price specified by the FEA from any refiner or eligible firm that has entitlements for such month available for sale. The FEA may direct refiners or eligible firms that have entitlements available for sale to sell such entitlements at a price specified by the FEA to refiners that have not purchased their required number of entitlements under paragraph (b) of this section.

(l) *Certification of old and upper tier crude oil by non-refiners.* Within twenty-five (25) days following each month, commencing with the month of February 1976, each person other than a refiner that has delivered crude oil to a refiner for processing for the account of such person pursuant to a processing agreement in that month shall certify to that refiner the volumes of old oil and upper tier crude oil contained in the crude oil so delivered to that refiner.

(m) *Adjustments to Crude Oil Costs*—(1) *Computations*—(i) *Entitlements purchased.* The cost of entitlements purchased in a particular month pursuant to this section by refiners, exclusive of the cost of entitlements purchased in a particular month pursuant to adjustments to a refiner's crude oil runs to stills under paragraph (d) (4) of this section, shall be added to the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased cost to be applied to product prices in the following month under the "A^t" factor of the general formulae of § 212.83(c) (2) of this chapter); *Provided,* That, to the extent that the obligation of a refiner to purchase entitlements is reduced by volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement, and that the monetary value of that reduced purchase obligation is used to reduce the processing fee otherwise payable by that firm under the processing agreement, or is otherwise passed on to that firm, such monetary value may also be added by that refiner to its cost of crude oil purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the monetary value of the reduced purchase obligation is passed on pursuant to this paragraph. The cost of entitlements purchased in a particular month pursuant to the adjustments to a refiner's crude oil runs to stills under paragraph (d) (4) of this section shall be a cost of crude oil purchased or landed in that month which shall not be applied to product prices pursuant to the "A^t" factor of the general formulae of § 212.83(c) (2) of this chapter, but which shall instead be applied only to prices for residual fuel oil.

(ii) *Entitlements sold.* The sales revenues from entitlements sold in a particular month pursuant to this section by refiners, which shall be calculated exclusive of any reduction in such sales revenues in a particular month pursuant to adjustments to a refiner's crude oil runs to stills under paragraph (d) (4) of this section, shall be subtracted from the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to all product prices in the following month under the "At" factor of the general formulae of § 212.83(c) (2) of this chapter); *Provided,* That, to the extent that the sales revenues from entitlements which are issued for volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement are used to reduce the processing fee otherwise payable by that firm under the processing agreement, or are otherwise passed on to that firm, such sales revenues shall not be subtracted by that refiner from its cost of crude oil purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the entitlement sales revenues are passed on pursuant to this paragraph. The reduction in sales revenues from entitlements sold in a particular month pursuant to the adjustments to a refiner's crude oil runs to stills under paragraph (d) (4) of this section shall be a cost of crude oil purchased or landed in that month which shall not be applied to product prices pursuant to the "At" factor of the general formulae of § 212.83(c) (2) of this chapter, but shall instead be applied only to prices for residual fuel oil.

(2) *Timing.* The date of purchase or sale of entitlement for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83 (c) of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (i) of § 211.66.

[FR Doc.76-4642 Filed 2-12-76;4:35 pm]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FIRE-CURED (TYPES 21–24) AND DARK AIR-CURED (TYPES 35 AND 36) TOBACCOS

Notice of Referendums

Notice is hereby given that on February 23 to February 27, 1976, each inclusive, separate referendums will be held of farmers engaged in the production of the 1975 crop of fire-cured (types 21–24) tobacco and dark air-cured (types 35 & 36) tobacco. Notice was given (40 FR 57809) that consideration would be given to data, views and recommenda-

tions in establishing the 1976 national acreage allotments, the national reserves, the date or period for holding the referendums and whether the referendums should be conducted at polling places rather than by mail ballot. None of the comments received made reference to the period or the method of holding the referendums.

It is hereby determined that these referendums will be held by mail ballot during the period February 23–27, 1976, inclusive. The purpose of these referendums is to determine whether fire-cured (types 21–24) tobacco and dark air-cured (types 35 & 36) tobacco farmers are in favor or opposed to marketing quotas for the 1976–77, 1977–78, and 1978–79 marketing years. The referendums will be conducted in accordance with the provisions of the Act (7 U.S.C. 1312(c)) and the regulations contained in 7 CFR 717.

Signed at Washington, D.C. on February 10, 1976.

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

[FR Doc.76-4505 Filed 2-13-76;8:45 am]

Food and Nutrition Service

[7 CFR Part 220]

SCHOOL BREAKFAST PROGRAM

Proposed Rulemaking

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture intends to amend the regulations governing the School Breakfast Program to implement Public Law 94–105, enacted on October 7, 1975, and for other purposes.

The principal changes stemming from Public Law 94–105 affect § 220.2, § 220.3, § 220.7, and § 220.8 to: (1) define child, infant cereal, infant formula, long-term care hospital, and to redefine fiscal year, School Food Authority and State agency and redefine schools to include residential child care institutions; and (2) establish breakfast patterns for infants and children to 6 years of age.

Consistent with the philosophy of the Department that a school lunch is a single meal per child daily, a school breakfast has also been considered to consist of a single breakfast served daily. The regulations are silent on the number of breakfasts per child per day which may be eligible for Federal reimbursement and, in some cases, an excessive number of meals were prepared, resulting in the waste of foods. In an attempt to meet the intent of Congress to reduce food waste, and to reflect the philosophy consistent with the enabling legislation for the National School Lunch Program and School Breakfast Program, the Department is amending the regulations to limit Federal reimbursement to one breakfast per child each day.

Residential child care institutions have previously not been eligible to participate in the School Breakfast Program. Section 4 of the Child Nutrition Act of 1966 authorizes the payment of funds to States to assist them in initiating, maintaining, and expanding nonprofit breakfast programs in schools. Enactment of Public Law 94–105 redefines "School" to include public or licensed nonprofit private residential child care institutions. Such institutions, now eligible to participate in the School Breakfast Program, include, but are not limited to, homes for the mentally retarded or emotionally disturbed, homes for unwed mothers and their infants, orphanages, temporary shelters for the abused or runaway child, juvenile detention centers and hospitals for chronically ill children.

With the eligibility of residential child care institutions to participate in the School Breakfast Program, new breakfast patterns have been designed to meet the nutritional needs of infants and young children under school age. The established breakfast pattern will continue to be served to older children.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections should be received by William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, no later than March 19, 1976. Communications should identify the regulation section and paragraphs on which comments, etc. are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Manager, Child Nutrition Programs, during regular business hours (8:30 a.m. to 5:00 p.m.) (7 CFR 1.27 (b)).

PART 220—SCHOOL BREAKFAST PROGRAM

The following changes are proposed:

1. The title of Part 220 is revised to read "School Breakfast Program", and the Nonfood Assistance Program and State Administrative Expenses portions are redesignated as Parts 230 and 235 respectively.

2. § 220.11a is redesignated as § 220.12, § 220.24 through § 220.26 are redesignated as § 220.13 through § 220.15, and § 220.27 is redesignated as § 220.16, and § 220.28 and § 220.29 are redesignated as § 220.18 and § 220.19, a new § 220.17 is added, and § 220.26a is redesignated as § 220.20.

3. The Table of Contents is revised to read as follows:

Sec.
220.1 General purpose and scope.
220.2 Definitions.
200.3 Administration.
220.4 Payment of funds to States and FNSROs.
220.5 Method of payment to States.
220.6 Use of funds by State agencies.
200.7 Requirements for school participation.
220.8 Nutritional requirements for breakfasts.
220.9 Reimbursement payments.
220.10 Effective date for reimbursement.
220.11 Reimbursement procedure.
220.12 Competitive food services.
220.13 Special responsibilities of State agencies.
220.14 Claims against School Food Authorities.
220.15 Management evaluations and audits.
220.16 Prohibitions.
220.17 Free and reduced price breakfast.
220.18 Miscellaneous provisions.
220.19 Program information.
220.20 Procurement standards.

AUTHORITY: Sec. 10, 80 stat. 889, 42 U.S.C. 1779.

4. § 220.1 is revised to read as follows:

§ 220.1 General purposes and scope.

Section 4 of the Child Nutrition Act of 1966 authorizes the payment of funds to the States to assist them to initiate, maintain, or expand nonprofit breakfast programs in schools. This part announces the policies and prescribes the regulations necessary to carry out the provisions of section 4 of the Child Nutrition Act of 1966, as amended.

5. § 220.2 is revised to read as follows:

§ 220.2 Definitions.

For the purpose of this part the term:

(a) "Act" means the Child Nutrition Act of 1966, as amended.

(b) "Breakfast" means a meal served to a school child at the beginning of the child's day at school which meets the nutritional requirements set out in this part.

(c) "Child" means a person under 21 chronological years of age, or a student of high school grade or under as defined by the State educational agency.

(d) "CND" means the Child Nutrition Division of the Food and Nutrition Service of the Department.

(e) "Department" means the U.S. Department of Agriculture.

(f) "Distributing agency" means a State, Federal, or private agency which enters into an agreement with the Department for the distribution of commodities pursuant to Part 250 of this chapter.

(g) "Fiscal year" means the period of 12 calendar months beginning July 1, 1975, and ending June 30, 1976; the period beginning July 1, 1976 and ending September 30, 1976; and the period of 12 calendar months beginning with October 1, 1976 and each October 1 of any calendar year thereafter and ending with September 30 of the following calendar year.

(h) "FNS" means the Food and Nutrition Service of the Department.

(i) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(j) "Free breakfast" means a breakfast for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

(k) "Infant cereal" means any iron-fortified dry cereal especially formulated and generally recognized as cereal for infants that is routinely mixed with formula or milk prior to consumption.

(l) "Infant formula" means any iron-fortified infant formula intended for dietary use solely as a food for normal, healthy infants excluding those formulas specifically formulated for infants with inborn errors of metabolism or digestive or absorptive problems. Only whole fluid unflavored milk which meets State and local standards may be used as an alternate for infant formula in the pattern for infants 8 months to 1 year of age.

(m) "Long-term care hospital" means any hospital or section of a hospital which is intended for the care of children confined for 30 days or more.

(n) "Milk" means fluid types of unflavored whole milk or low-fat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, America Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

(o) "National School Lunch Program" means the Program authorized by the National School Lunch Act.

(p) "Nonprofit" means exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

(q) "OA" means the Office of Audit of the Department.

(q–1) "OI" means the Office of Investigation of the Department.

(r) "Program" means the School Breakfast Program.

(s) "Reduced price breakfast" means a breakfast which meets all of the following criteria: (1) The price shall be less than the full price of the breakfast, (2) the price shall be 10 cents or lower, and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the schools' food service.

(t) "Reimbursement" means financial assistance paid or payable to participating schools for breakfasts meeting the requirements of § 220.8 served to eligible children at rates assigned by the State agency, or FNSRO where applicable. The term "reimbursement" also includes financial assistance made available through advances to School Food Authorities.

(u) "School" means (1) An educational unit of high school grade or under operating under public or nonprofit private ownership in a sinlge building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade which do not participate in the Child Care Food Program, when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade. (2) With the exception of residential summer camps which are eligible to participate in the Summer Food Service Pogram for Children and private foster homes, any public or nonprofit private child care institution which (i) maintains children in residence, (ii) operates principally for the care of children, and (iii) if private, is licensed as a residential child care institution by the State or a subordinate level of government. The term "child care institution" includes, but is not limited to: homes for the mentally retarded, emotionally disturbed, and unmarried mothers and their infants; orphanages; temporary shelters for abused children and for runaway children; long-term care hospitals for chronically ill children; and juvenile detention centers. (3) With respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico.

(v) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966.

(w) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a breakfast or a lunch program therein. The term "School Food Authority" also includes a nonprofit agency or organization to which such governing body has delegated authority to operate the lunch or breakfast program in schools under its jurisdiction, provided the governing body retains the responsibility to comply with Program regualtions.

(x) "Secretary" means the Secretary of Agriculture.

(y) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(z) "State agency" means the State educational agency or such other agency of the States as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program in schools as defined in § 220.2(u)(2) of this section.

(z–1) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State department of education.

6. In § 220.3, the heading and paragraph (b) are revised and new paragraphs (b-1) and (b-2) are added to read as follows:

§ 220.3 Administration.

* * * * *

(b) Within the States, responsibility for the administration of the Program in schools as defined in § 220.2 (u)(1) and (u)(3) shall be in the State educational agency, except that FNSRO shall administer the Program with respect to nonprofit private schools as defined in § 220.2(u)(1) of any State wherein the State educational agency is not permitted by law to disburse Federal funds paid to it under the Act to such schools, or to match Federal funds paid with respect to such schools.

(1) Within the States, responsibility for the administration of the Program in schools as defined in § 220.2(u)(2) shall be in the State educational agency, or if the State educational agency cannot administer the Program in such schools, such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program in such schools: *Provided, however,* That FNSRO shall administer the Program in such schools if the State agency is not permitted by law to disburse Federal funds paid to it under the Act to such schools, or to match Federal funds paid with respect to such schools.

(b–2) References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program.

* * * * *

7. In § 220.7, paragraph (f) is revised to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(f) Any school in which a breakfast program is operated under an agreement as provided in paragraph (e) of this section may serve children from any other school, whether or not a breakfast program is operated in such other school. The School Food Authority of the school in which the Program is operated may make a claim for reimbursement in connection with all the breakfasts served. Where the Program in both schools is not administered solely by either the State agency or by FNSRO, the School Food Authority of a school in which the Program is administered by the State agency may file a separate claim with the State agency and the School Food Authority of a school in which the Program is administered by FNSRO may file a separate claim with FNSRO for breakfasts served to their respective participating children.

8. § 220.8 is revised to read as follows:

§ 220.8 Nutritional requirements for breakfasts.

(a) Except as otherwise provided in this section, and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain, as a minimum, the following food components in the amounts indicated:

(1) One-half pint of milk served as a beverage or on cereal or used in part for each purpose.

(2) A one-half cup serving of fruit or full-strength fruit or vegetable juice.

(3) One slice of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain cereal or enriched or fortified cereal; or an equivalent quantity of any combination of any of these foods.

(4) To improve the nutrition of the participating children, breakfasts shall also include as often as practicable meat or meat alternates such as a one-ounce serving (edible portion as served) of meat, poultry, or fish; or one ounce of cheese; or one egg; or two tablespoons of peanut butter; or an equivalent quantity of any combination of any of these foods.

(b) The requirements for breakfasts eligible for Federal cash reimbursement in paragraph (b)(1) of this section are established to provide nutritious breakfasts for infants aged up to 1 year, and, in paragraph (b)(2) of this section, for children aged 1 to 6 years.

(1) When infants aged up to one year participate in the Program, the infant breakfast pattern shall contain, as a minimum, each of the following food components in the amounts indicated for the appropriate age group:

(i) 0 to 4 months—four to six fluid ounces of infant formula; zero to one tablespoon of infant cereal.

(ii) 4 to 8 months—six to eight fluid ounces of infant formula; one to two tablespoons of infant cereal.

(iii) 8 months to 1 year—six to eight fluid ounces of infant formula or four to six fluid ounces of whole fluid milk and two to three fluid ounces of full-strength fruit juice; two to three tablespoons infant cereal.

(2) When children aged 1 year to 6 years participate in the Program, the preschool lunch pattern shall contain, as a minimum, each of the following food components in the amounts indicated for the appropriate age group:

(i) 1 to 3 years—one-half cup of milk served as a beverage or on cereal or used in part for each purpose; a one-fourth cup serving of fruit or full-strength fruit or vegetable juice; one-half slice of whole-grain or enriched bread, or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour, or one-quarter cup (volume) or one-third ounce (weight), whichever is less, of whole-grain cereal or enriched or fortified cereal or an equivalent quantity of any combination of any of these foods.

(ii) 3 to 6 years—three-fourths cup of milk served as a beverage or on cereal or used in part for each purpose; a one-half cup serving of fruit or full-strength fruit or vegetable juice; one-half slice of whole-grain or enriched bread, or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour, or one-third cup (volume) or one-half ounce (weight) whichever is less, of whole-grain cereal or enriched or fortified cereal or an equivalent quantity of any combination of any of these foods.

(c) Additional foods may be served with breakfasts as desired.

(d) If emergency conditions prevent a school normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve reimbursements for breakfasts served without milk during the emergency period.

(e) FNS may approve variations in the food components of the breakfast on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs.

(f) Substitutions may be made in foods listed in paragraphs (a) and (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(g) The inability of a school to obtain a supply of milk on a continuing basis to meet the breakfast requirements in paragraph (a) of this section shall not bar it from participation in the Program. In such cases the State agency, or FNSRO where applicable, may approve the service of breakfasts without milk: *Provided, however,* That an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of the breakfast.

(h) For the period July 1, 1975 through September 30, 1977, the Secretary, with the concurrence of officials of the Trust Territory of the Pacific Islands, shall establish a breakfast pattern or patterns which are consonant with local food consumption patterns and which, given available food supplies and food services equipment and facilities, provide optimum nutrition consistent with sound dietary habits for participating children, for use in the Trust Territory in lieu of the breakfast patterns listed in paragraphs (a) and (b) of this section. The requirements for such patterns shall be attached to and made a part of the written agreement required under § 220.3 of this part.

9. In § 220.9, paragraph (a) is revised to read as follows:

§ 220.9 Reimbursement payments.

(a) State agencies, or FNSROs where applicable, shall make reimbursement payments to schools only in connection with breakfasts meeting the requirements of § 220.8 of this part. State agencies, or FNSROs where applicable, shall establish administrative procedures to assure that no reimbursement is made for more than one breakfast for any child per day.

* * * * *

§ 220.11 [Amended]

10. In § 220.11, paragraph (b) the words "§ 220.24(b)" are changed to read "§ 220.13(b)".

§ 220.14 [Amended]

11. In § 220.14, paragraph (h), the words "paragraph (a)(1)" are changed to read "paragraphs (a) and (b)".

§ 220.15 [Amended]

12. In § 220.15, paragraph (b), the words "§ 220.26(a)" are changed to read "§ 220.15.(a)".

13. § 220.17 is added as follows:

§ 220.17 Free and reduced price breakfasts.

The determination of children to whom free and reduced price breakfasts are to be served because of inability to pay the full price thereof, and the serving of the breakfasts to such children shall be effected in accordance with Part 245 of this Chapter.

§ 220.18 [Amended]

14. In § 220.18, paragraph (b) is deleted.

15. In § 220.19, paragraph (a) is revised and paragraph (f) is added as follows:

§ 220.19 Program information.

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Massachusetts 01803.

* * * * *

(f) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

§ 220.20 [Amended]

16. In § 220.20, the words "School Food Authority" and "School Food Authorities" are deleted wherever they appear, and paragraph (a) is revised as follows:

(a) General purpose and scope. This section provides standards for use by State agencies in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. State agencies may use their own procurement regulations which reflect applicable State and local law, rules, and regulations, provided that procurements made with Federal grant funds adhere to the standards set forth in this section.

* * * * *

Dated: February 12, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-4552 Filed 2-13-76;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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0008]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is denying a request for hearing on withdrawal of approval of new animal drug application (NADA) 65-381, and he is withdrawing approval of the application, effective February 17, 1976.

The Commissioner issued, in the FEDERAL REGISTER of August 30, 1974 (39 FR 31678, Docket No. FDC-D-708), a Notice of Opportunity for Hearing for certain intramammary infusion products for treating mastitis. Included in that notice were products manufactured by numerous companies, including Masti-Kure Products Co., Inc., P.O. Box 1188, 166 Yantic St., Norwich, CT 06360, hereinafter referred to as Masti-Kure. The notice stated that the Commissioner proposed to issue an order under section 512 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the products subject to the notice because new information before him about the drug products, evaluated together with evidence available to him at the time of approval of the products, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, in that there is a lack of substantial evidence that the products are effective as fixed combinations, in accordance with the requirements set forth in 21 CFR 514.1(b)(8)(v). That notice also encompassed all issues relating to the legal status of drug products subject to it.

Pursuant to the notice of August 30, Masti-Kure filed a request for hearing on seven of the products subject to the notice, including NADA 65-381. Subsequently, approval for all of Masti-Kure's fixed combination products, except NADA 65-381, was withdrawn by an order published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10221).

In response to the notice of August 30, Masti-Kure submitted studies purporting to demonstrate that the drug product covered by NADA 65-381 is effective as a fixed combination. The Director of the Bureau of Veterinary Medicine of the Food and Drug Administration, after concluding that summary judgment should be considered, served upon Masti-Kure by letter dated March 5, 1975, a proposed order denying a hearing and stating in detail why the data contained in its request for a hearing failed to meet the requirements of the statute and the regulations. The proposed order particularized the Director's evaluation of Masti-Kure's initial request for a hearing and his conclusions that the studies were not adequate and well-controlled investigations and failed to demonstrate the effectiveness of the drug as a combination. Masti-Kure was provided 60 days to respond with sufficient data, information, and analyses to demonstate that there is a genuine and substantial issue of fact that justifies a hearing.

Following the opportunity to review a copy of the proposed order, the firm responded by a submission, dated May 9, 1975. The following is in response to the firm's initial submission to the notice of August 30, and their additional submission of May 9.

Data from both clinical and field studies were submitted by Masti-Kure in an effort to meet the requirements of 21 CFR 514.1(b)(8)(v), that each ingredient designated as active in any new animal drug combination must make a contribution to the effect in the manner claimed or suggested in the labeling, and if in the absence of express labeling claims of advantages for the combination such a product purports to be better than either component alone, that the new animal drug has that purported effectiveness. Masti-Kure attempted to demonstrate by evidence from statutorily required adequate and well-controlled investigations that treatment with a fixed combination antibiotic (in this case, procaine penicillin G 100,000 units and neomycin 25 milligrams is more effective than treatment with either individual active ingredient alone for mastitis. The data have been considered, and the Commissioner concludes that there is no genuine and substantial issue of fact requiring a hearing.

Neither the experimental infection nor the field investigations were conducted in accordance with 21 CFR 514.111(a)(5), which states the prerequisites for adequate and well-controlled investigations. Because these studies are not adequate and well-controlled investigations, they cannot meet the statutory definition of substantial evidence. In addition to this fatal deficiency, the data from the clinical studies do not demonstrate in a statistically valid manner that treatment with this penicillin-neomycin fixed combination is more effective than treatment with either active ingredient alone for bovine mastitis induced by *Streptococcus agalactiae* and/or *Staphylococcus aureus*. Nor do the data from the field studies demonstrate in a statistically valid manner that treatment with the fixed combination exhibits superior effectiveness to treatment with the individual active ingredients in curing bovine mastitis induced by those microorganisms. Therefore, the Commissioner concludes that there is a lack of substantial evidence that these drug products will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, as explained in more detail below.

I. THE DRUG

NADA 65-381 is a fixed combination antibiotic containing in each 14-milliliter dosage unit, procaine penicillin G 100,000 units, neomycin sulfate (equivalent to neomycin base) 25 milligrams.

II. RECOMMENDED USES

NADA 65-381 was previously recommended for the treatment of acute and chronic mastitis in lactating cows caused by *Streptococcus agalactiae, Streptococcus dysgalactiae, Escherichia coli, Aerobacter aerogenes,* and *Micrococcus pyogenes, var. aureus* (*Staphylococcus aureus*) susceptible to the active ingredients.

Revised labeling submitted May 9, 1975, recommends the drug for treatment of lactating cows for acute and chronic mastitis caused by *Streptococcus agalactiae, Micrococcus pyogenes, var. aureus* (*Staphylococcus aureus*) susceptible to the active ingredients. The recommended method of administration is the instillation of one dosage unit into each infected quarter (a quarter is an individual mammary gland including the teat). A second dose may be given after an interval of 12 hours, but it is cautioned not to administer more than two doses in each quarter because this may result in drug residues in the milk. If improvement is not noted within 48 hours after treatment, the diagnosis should be reconsidered. Treated animals are to be observed for any unfavorable reactions. If any unfavorable reactions develop and cannot be controlled, treatment is to be discontinued and a veterinarian consulted immediately, and no case of mastitis can be considered cured unless a bacteriological examination of milk reveals the absence of causative organisms approximately 3 weeks after the last treatment.

Masti-Kure's rationale for combining penicillin and neomycin in a single drug is as follows: Bovine mastitis is an infectious disease that results from path-

ogenic microorganisms, principally *Streptococcus agalactiae* and *Staphylococcus aureus*. Although penicillin is usually effective in eliminating the infection caused by *Streptococcus agalactiae*, it is sometimes ineffective against *Staphylococcus aureus*, which is known to produce an enzyme capable of destroying penicillin. Neomycin, it is postulated, is usually effective against *Staphylococcus aureus*, although not against *Streptococcus agalactiae*. In actual field use, the infecting organisms are not identified and the susceptibility patterns not determined before commencing treatment of mastitis. Use of penicillin or neomycin alone, therefore, will produce treatment failures in cows infected with organisms resistant to the drug used. Combining the drugs will result in fewer failures, because an infection resistant to one may respond to the other.

To substantiate this rationale, Masti-Kure must demonstrate, by adequate and well-controlled investigations, the validity of two assumptions. First, it must show that the combination of penicillin and neomycin is more effective in treating *Staphylococcus aureus* infections than is either component—especially penicillin—alone. (It could also demonstrate that the combination is more effective than either component alone in treating *Streptococcus* infections—although this would support a different effectiveness rationale than the one set forth in the May 9 submission—and it must show that it is at least as effective in that condition.) Second, and more critical it must show that in a population of cows with bacteriologically uncharacterized mastitis infections—which is the intended patient population under Masti-Kure's rationale—there exists a statistically significant proportion of infections that are resistant to one of the two drugs but susceptible to the other (or that the combination for any reason cures more infections than does either of its components alone).

Proof only of the first assumption would not demonstrate effectiveness of the combination for its intended use because it may be that under field conditions uncharacterized mastitis infections do not include infections caused by penicillin-resistant *Staphylococcus aureus*. Accordingly, the second assumption—that there is a patient population that has conditions against which the drug is effective—is a necessary one, and it too must be supported by adequate and well-controlled investigations.

It is important to distinguish between failure to show effectiveness of the combination in the manner described above, and the issue whether, assuming that effectiveness is shown for any patient population, such population is one of significant size. Since the Commissioner finds that there is no issue requiring a hearing concerning Masti-Kure's failure to demonstrate the effectiveness of the drug covered by NADA 65-381 for any patient population, he need not reach the question of whether a hearing would be required to resolve issues concerning the significance of population size.

III. Medical Documentation To Support Claims of Effectiveness

In response to the August 30 notice, Masti-Kure submitted data from one clinical investigation and two field investigations in an attempt to demonstrate that treatment with the fixed combination is more effective than treatment with the individual active ingredients alone for the treatment of bovine mastitis induced by *Streptococcus agalactiae* and *Staphylococcus aureus*, and one clinical study to demonstrate that the fixed combination contains each active ingredient at its optimal level of effectiveness for the treatment of bovine mastitis induced by *Staphylococcus aureus*. No evidence whatsoever was submitted to demonstrate that the drug subject to NADA 65-381 is effective for treatment of lactating cows having bovine mastitis caused by *Streptococcus dysgalactiae*, *Eschericia coli*, and *Aerobacter aerogenes*. It is noted that the May 9, 1975 submission has deleted reference to these latter organisms.

Additional information was included in the May submission to support the scientific rationale regarding the use of the fixed combination drug containing procaine penicillin and neomycin sulfate for the treatment of bovine mastitis. The discussion is supported by bibliographical material consisting of 15 reprints from the open literature. It discusses the significance of *Streptococcus agalactiae* and *Staphylococcus aureus* organism in mastitis infections and the use of penicillin and neomycin for its treatment. These articles suggest that a patient population may exist of lactating cows infected with penicillin-resistant *Staphylococcus aureus*. However, the results of the actual investigations conducted by Masti-Kure fail to demonstrate the existence of any such population; rather, the results from comparable test and control groups show that penicillin 100,000 units is at least as effective as, if not more effective than, either neomycin or the penicillin-neomycin combination for the treatment of bovine mastitis induced by *Staphylococcus aureus*, whether artificially induced or naturally occurring.

The May 9 submission from Masti-Kure includes additional details on the previously submitted studies involving experimentally induced mastitis by *Streptococcus agalactiae* and *Staphylococus aureus*. Several new tables are included, and additional details are presented in the new submission. This information, however, is inadequate to raise a geniune and substantial issue of fact concerning the effectiveness of the penicillin-neomycin combination drug product. In response to the Commissioner's conclusions that clinical and field investigations were not adequate and well-controlled investigations because they did not document the comparability of treatment variables between test and control groups, nor exclude or minimize bias in the investigators' observations, Masti-Kure submitted no evidence to document comparability or to demonstrate that the investigations were conducted in a manner that excluded or minimized bias, and no information that would allow the Commissioner himself to remedy these defects.

Although the May 9 submissions corrected certain miscalculations in correlating the data that were submitted with the initial request for a hearing, the data remain inadequate to demonstrate the effectiveness of the combination drug product despite the fact that the investigations were conducted in a manner biased in favor of the combination product.

A. Clinical Investigation Data

Masti-Kure submitted data from one clinical investigation, Guy E. Morse, D.V.M., and Russell E. Rhodes, "Experimental Bovine Mastitis for Evaluation of Treatments," which it contends demonstrate the effectiveness of the fixed combination. The Commissioner has reviewed this study and concludes that it does not constitute substantial evidence of effectiveness, as follows:

1. *Introduction to Streptococcus Agalactiae Study.*

An experimental clinical investigation was conducted at the University of Pennsylvania College of Veterinary Medicine in which lactating cows experimentally infected with *Streptococcus agalactiae* and *Staphylococcus aureus* were treated with the components of NADA 65-381, procaine penicillin G 100,000 units and neomycin sulfate (equivalent to neomycin base) 25 milligrams. In the test, the drug product was infused into the quarter in a volume of 14 milliliters.

The study was conducted in 2 parts, and Masti-Kure presented the data in its May 9 submission in 15 tables.

In the first part, nine cows (numbered 7, 147, 160, 161, 165, 166, 176, 179, and 181) were studied. The cows were assigned to three treatment groups: (1) Penicillin 100,000 units, cows 7, 147, 161, and 165; (2) neomycin 25 milligrams, cows 160 and 166; and (3) penicillin 100,000 units-neomycin 25 milligrams as a fixed combination, cows 176, 179, and 181. Each quarter of each cow was artificially infected with *Streptococcus agalactiae*. After the infection was established, each quarter was given an initial primary treatment, which consisted of infusing the drug into the teat following two consecutive milkings. The quarters were examined for the test microorganisms, *Streptococcus agalactiae*, 18 to 23 days after the last treatment. Those quarters that failed to respond to the initial treatment were treated with a different drug in the study group and after another 18 to 23 days examined again.

2. *Results of Re-treatment of Experimental Mastitis Infections caused by Streptococcus Agalactiae after Primary Treatment (Table II(B)).*

The protocol states that 12 quarters (3 cows) were to be treated with penicillin 100,000 units, and after 18 to 23 days these quarters were to be re-treated with the penicillin-neomycin fixed combination if no cure was evident. Table II(B) indicates that 16 quarters (4 cows) were treated with penicillin alone, not 12 quarters (3 cows as indicated in the study protocol). In the May 9 submission, 2

quarters were deleted because of early reculturing and 1 quarter was deleted because of adjunctive therapy, leaving a cure rate of 13/13. The source of the extra test quarters, above those indicated in the protocol, and the reason for testing extra quarters in the penicillin treatment group was not explained or discussed in the submission by Masti-Kure. The May 9 submission data for cows treated with the penicillin-neomycin combination show 10 quarters cured of the 10 quarters treated (10/10), 2 quarters having been deleted because of early reculturing. Data for cows treated with neomycin 25 milligrams alone show 1 quarter cured of 8 quarters treated (1/8).

The test protocol calls for the taking of cultures to determine the effectiveness of each drug 17 to 21 days after the last treatment of the infected quarter. Posttreatment culture times for the penicillin group were 14 to 18 days, and for the combination group, 15 to 19 days. Those quarters in the penicillin and combination groups that were recultured earlier than allowed by the protocol were deleted from the final results tabulated on Table II(B).

Of the eight quarters treated with neomycin, seven were tested by cultures taken 5 days after treatment. Only one quarter was tested by a culture taken 18 days after treatment. The quarter tested after the longer period was the only one in which neomycin was found to be effective. The other quarters were not deleted from the test results, and no explanation for the deviance from the protocol on the neomycin group is offered. Failure to test these other quarters after the same interval observed in the penicillin and combination groups results in a lack of comparability between the neomycin and the penicillin and combination groups, which is in violation of 21 CFR 514.111(a)(5)(iv).

Further, the protocol does not explain the method of assignment of animals to the treatment groups; without such an explanation, there is no way to determine whether a method was employed that excluded or minimized bias, as required by 21 CFR 514.111(a)(5)(ii)(b). The importance of such an explanation is apparent from the fact that, whereas the protocol calls for three animals in each of the three treatment groups, the actual distribution was four, three, and two. In response to the proposed order, Masti-Kure provided no information to overcome this defect, which was clearly noted.

In addition to these deficiencies, the figures supplied by Masti-Kure show that the respective cure rates for the penicillin and penicillin-neomycin treatment groups are of questionable significance. If the study does not demonstrate that there is a statistically significant difference in cure rates, the data cannot demonstrate that the fixed combination is more effective than penicillin alone (or, put another way, that the neomycin contributes to the effect claimed for the combination), as required by 21 CFR 514.1(b)(8)(v). The data demonstrate that the penicillin-neomycin fixed combination is not more effective than either ingredient individually in treating infections caused by *Streptococcus agalactiae*.

3. *Additional Experimental Infection Data (Streptococcus Agalactiae): Test Animals Reinfected upon Completion of Primary Treatment (Tables III (A) and (B))*.

Three cows (numbers 7, 161, and 165) were reinfected with *S. agalactiae* 33 days after the original infection. Two cows (7 and 161) were treated with penicillin. One cow (165) was treated with neomycin. The cured/treated results of this test are reported in Table III as follows:

Penicillin	6/8
Neomycin	0/3

One quarter of the neomycin group was deleted because the infection was not established at the time of treatment. One quarter of cow 161 had been previously infected with hemolytic *Staphylococci*. That quarter was omitted from the results of the primary treatments because of the extraneous infection. It was, however, included in the results of the reinfection treatments, in violation of 21 CFR 514.111(a)(5)(iv), and constituted one of the quarters not cured by penicillin. Also, as in the primary study, the laboratory cultures to determine effectiveness were taken 6 to 9 days after treatment for the neomycin group, while the cultures for the penicillin group were taken 18 to 21 days after treatment. No explanation for this difference, which is contrary to 21 CFR 514.111(a)(5)(iv), was provided.

The test protocol makes no mention of repeat infection treatment, although so basic an element in the test should have been mentioned as part of the required "clear statement of the objective of the study" (21 CFR 514.111(a)(5)(i)). For the study to have any value, the repeated infection data should have detailed how adequate confirmation of repeated infections was accomplished, and how the repeated infection was differentiated from an uncured initial infection. Such a description of the steps taken to confirm the presence of the disease state and to document comparability of variables is a prerequisite to an adequate and well-controlled investigation in accordance with 21 CFR 514.111 (a)(5)(ii)(*a*) and (a)(5)(iv).

4. *Experimental Infections (Streptococcus Agalactiae) Re-treatment Results on Primary Failures (Table IV (A) and (B))*.

Of 13 quarters not cured by primary treatment or treatment after reinfection, 5 were re-treated with penicillin and 8 were re-treated with the combination drug. None was re-treated with neomycin. All of the quarters treated with penicillin received one infusion only. Of these, the reculturing was done early on three, each of which was found to show negative infection. Six of the eight quarters treated with the combination received one infusion while two received two infusions. Of these, all were recultured early and found to show negative infection. One of these eight quarters was not in fact infected with *S. agalactiae* at time of treatment, but was infected with hemolytic *Staphylococci*.

Using only those quarters for which the protocol was followed for time of reculturing, Table IV(B) shows a cure/treatment ratio of ½ for penicillin and 0/0 for the combination.

5. *Results of Treatment of Experimental Streptococcus Agalactiae Mastitis Infections (Table V)*.

This table includes the data from tables II(B), III(B), and IV(B). It includes: (A) test results in compliance with the test protocol; and (B) test results in compliance, plus test quarters recultured earlier than allowed by the protocol. The cured/treated results listed are as follows:

Penicillin:	
(A)	20/23
(B)	22/25
Neomycin:	
(A)	1/11
(B)	1/11
Combination:	
(A)	10/10
(B)	17/17

Only one quarter treated with neomycin actually was recultured at the time required by the protocol. That quarter was cured. The other ten quarters should not be included in the comparison because the study on its face failed to maintain comparability with respect to the time of reculturing, contrary to 21 CFR 514.111(a)(5)(iv).

Further, for a valid comparison between the penicillin-neomycin combination and the individual active ingredients, the investigators should have retreated primary treatment failures not only with penicillin and with the combination, but also with neomycin. Their omission of this re-treatment causes a lack of comparability with respect to the neomycin results (21 CFR 514.111(a)(5)(iv)), and precludes the comparison in the above table.

The numerous deficiencies in the study prevent it from qualifying as an adequate the well-controlled investigation within the meaning of 21 CFR 514.111(a)(5). Moreover, the data are inadequate to demonstrate in a statistically significant manner that the combination of penicillin 100,000 units-neomycin 25 milligrams was more effective than either the penicillin or neomycin alone for the treatment of bovine mastitis induced by *Streptococcus agalactiae*.

In sum, this phase of the clinical study demonstrates at most that both penicillin alone and the penicillin-neomycin combination cure mastitis caused by *Streptococcus agalactiae* equally well, and does not demonstrate that neomycin is less effective than penicillin or the combination. The sutdy does not show that the combination is effective against this type of mastitis within the meaning of 21 CFR 514.1(b)(8)(v), i.e., that it is more effective than either of its components alone.

6. *Correlation of In Vitro and In Vivo Data in Streptococcus Agalactiae Mastitis Infections.*

The drug investigators attempted to develop a correlation between the in vivo antibiotic response in the treated cows

and the in vitro milk samples taken from the treated cows. Milk samples were inoculated with *Streptococcus agalactiae* microorganisms, and growth cultures were measured. The investigators admitted that the results were not revealing. The milk sample in vitro responses were either completely effective, i.e., they inhibited the growth of the microorganism on the culture plate (penicillin and the fixed penicillin-neomycin combination), or completely ineffective (neomycin alone). In addition, data from FDA's Bureau of Veterinary Medicine, *American Journal of Veterinary Research*, 31:1549, 1970, indicate that low volume milk production prolongs antibiotic excretion and that the antibiotic concentration in the milk is a factor of milk volume and time. Therefore, low milk production produces higher antibiotic concentrations in the milk, which inhibits organism growth in milk samples, *ibid.*, pp. 1554–55. Thus, that no correlation can be drawn from the in vivo and in vitro data is fortified by the fact that the antibiotic concentration in at least one well-controlled study was a direct function of milk production volume and time.

Other factors that also preclude the use of milk sample in vitro data in lieu of in vivo data are the following: (1) The use of an artificial growth medium; (2) the absence of inflammatory response that occurs in the cow's mammary tissue in a naturally occurring infection; (3) the absence of correlation between the number of organisms used in an in vitro study versus the number of organisms present in clinical in vivo infection; (4) the duration of infection; and (5) the use of acid-reaction and milk-coagulation tests for the milk samples to determine *Streptococcus agalactiae* growth when actual culture counts should have been taken.

None of the available data show that a correlation exists between antibiotic concentration in the mlik, the in vivo cure rate, and the in vitro microorganism growth rate. Therefore, while in vitro tests may serve as a preliminary indication that an antibiotic, if tested in vivo, may prove to be effective, they cannot be used to substantiate effectiveness claims.

7. *Introduction to Staphylococcus Aureus Study.*

In the second part of the study, nine cows were selected and assigned to the three treatment groups (penicillin alone, neomycin alone, and the pencillin-neomycin combination) at random after completion of the *Streptococcus agalactiae* infection tests. Cows used in the *Streptococcus agalactiae* tests were screened for suitability for infection with *Staphylococcus aureus*. This suitability was determined by taking those cows that revealed negative *Streptococcus agalactiae* cultures taken 17 to 23 days after primary treatment in the *Streptococcus agalactiae* study and reexamining them not less than 30 days after the completion of the *Streptococcus agalactiae* study.

On the nine cows selected for the *Staphylococcus aureus* study, one cow (51) was new and eight cow (7, 147, 160, 161, 165, 176, 179, and 181) were previously used in the *Streptococcus agalactiae* study. Preartificial infection cultures revealed that three of these cows, 51, 161, and 165, each had one infected quarter prior to artificial challenge with *Staphylococcus aureus*, and the investigators did not specify the identity of this infecting organism. There is no indication, with respect to inflammatory response or culture counts, whether the quarters infected with the pre-challenged natural infection were comparable to those artificially infected, in violation of 21 CFR 514.111(a)(5)(iv).

Table VIII(A) of the May 9 submission data indicates that cows 7, 165, and 179 received penicillin as primary treatment; cows 160, 161, and 181 received neomycin as primary treatment; and cows 51 and 176 received the penicillin-neomycin fixed combination as primary treatment. (Cow 147 died of acute septic mastitis, apparently before treatment was instituted.) Data from cow 176 have been deleted, at the insistence of FDA in its proposed order, because of repeated treatments, a variable that introduces bias into the test.

8. *Results of Treatment of Experimental Staphylococcus Aureus Mastitis Infections (Table VIII(B)).*

Table VIII(B) lists the following results:

Treatment:	*Quarters cured/quarters treated*
1. Procaine penicillin G, 100,000 units	4/12
2. Neomycin 25 mg	4/12
3. Procaine penicillin G, 100,000 units and neomycin 25 mg	1/4

The data from the primary treatment groups do not establish that the penicillin-neomycin fixed combination is more effective than either active ingredient alone, as required by 21 CFR 514.1(b)-(8)(v), but suggested that it is less.

9. *Treatment Response in Staphylococus Aureus Experimental Mastitis Infections Following Previous Treatment Failure (Table IX(B)).*

Quarters that did not reveal negative cultures taken 17 to 21 days after initial treatment were considered not to have been cured by the initial treatment. Sixteen quarters were re-treated only once. Four quarters not cured by the initial primary treatment were subjected to seveal repeated treatments. These quarters, at the insistence of FDA in its proposed final order, have been deleted from the results listed in the tables. Fifteen quarters were re-treated with the combination drug; one quaarter was re-treated with penicillin. No primary treatment failures were treated with neomycin alone. The cured/treated results were as follows:

Penicillin	1/1
Combination	14/15

The data from the re-treatment groups also do not establish that the combination is more effective than one of its components, penicillin, the only component used in the re-treatment; penicillin cured the one quarter on which it was tested, while the combination had a single failure in the 15 quarters in which it was used. The figures in Table IX(B) were then added to the figures for primary treatment to make up Table X.

10. *Results of Experimental Staphylococcus Aureus Mastitis Infections (compilation of data from primary treatment and treatment failure groups (Table X)).*

Treatment:	*Quarters cured/quarters infected*
1. Procaine penicillin G, 100,000 units	5/13
2. Neomycin 25 mg	4/12
3. Procaine penicillin G, 100,000 units and Neomycin 25 mg	15/19

The figures for groups 1, 2, and 3 include data on primary treatment and treatment failures from the other test groups. The total test population reflected in the table is 44 quarters. The figures reveal a much higher cure rate for the combination than for either of its components alone. This, however, is based on a statistical fallacy that consists of pooling absolute numbers in such a way as to distort the percentages involved. Thus, Masti-Kure pools the small absolute number of quarters in the combination drug primary treatment group (4), which had a very low cure rate (25 percent), with the much higher absolute number of quarters in the combination re-treatment group (15), which had a very high cure rate (93 percent). The result is a cure rate of 79 percent, compared with a cure rate of only 38 percent for penicillin alone, using the same pooling technique. If Masti-Kure wishes to pool the results of treatment in different groups, however, it must weight the numbers. Thus, it should add 15/60 (25 percent for the first group) and 56/60 (93 percent for the second group), for a total of 71/120, or a combined cure rate of 59 percent. Similarly, the 4/12 and 1/1 figures for penicillin treatment should be pooled by adding 4/12 and 12/12, for a total of 16/24, or a combined cure rate of 66⅔ percent. After accounting for Masti-Kure's erroneous statistical procedure, penicillin had a higher combined cure rate than the combination—as one would expect from the fact that penicillin had individual cure rates of 33⅓ percent and 100 percent in its two groups, while the combination had cure rates of 25 percent and 93 percent in its respective groups, that is, lower cure rates in each case. As for neomycin—which Masti-Kure tested only in one group—it had a cure rate of 33⅓ percent, lower than the combined rates for either penicillin or the combination. This is ironic in view of Masti-Kure's rationale for including neomycin, which is to treat *Staphylococcus aureus* that is unresponsive to penicillin.

The Commissioner does not regard the validity of Masti-Kure's fallacious pooling technique as an issue requiring a hearing. It requires merely the application of elementary arithmetic backed by common sense.

Another respect in which the comparison in Table X is facially deficient is that it reflects a failure to maintain

comparability in test groups, in violation of 21 CFR 514.111(a)(5)(iv). This occurred in the selection of primary treatment failures (see Table VIII) for re-treatment, the results of which are tabulated in Table IX. A quarter that was initially treated with penicillin alone is obviously different from one that was initially treated with the combination; the difference may or may not be important to the outcome of subsequent treatment (re-treatment). To assure comparability with respect to this variable for purposes of the re-treatment, the investigators should have taken the primary treatment failures from one initial test group, divided them equally, and treated each sub-group with one of the drugs not used in the primary treatment of that group. A comparison could then have been made between the results of re-treatment in quarters that were comparable with respect to the type of primary treatment. Instead, the investigators created a re-treatment group for the combination that necessarily contained quarters that had been subjected to primary treatment with at least two, and probably all three, of the test drugs, and a re-treatment group of only one quarter, obviously subjected to primary treatment with only one drug. This lack of comparability on its face violates 21 CFR 514.111(a)(5)(iv), makes meaningless any comparison of the results of re-treatment, and invalidates their use for the comparison in Table X.

Regardless of any methodological defects in this phase of the clinical study, the results demonstrate the opposite of the hypothesis that Masti-Kure must sustain, i.e., that the combination is more effective than penicillin alone (or that neomycin contributes to the effect claimed for the combination) in treating mastitis caused by *Stapyhlococcus aureus* (21 CFR 514.1(b)(8)(v)). Moreover, even if Masti-Kure demonstrated that the combination is more effective than penicillin in treating certain *Staphylococcus aureus* infections, it would remain for the applicant to show by adequate and well-controlled studies that such penicillin-resistant/neomycin-susceptible mastitis is prevalent among infected cows in statistically significant numbers. The clinical study could not have shown this necessary element of effectiveness because infections likely to be penicillin-resistant were artifically induced in the test animals, rather than found to be present naturally among unselected cows with mastitis.

11. *Correlation of In Vitro and In Vivo Data in Staphylococcus Aureus Infections.*

A milk residue study was also conducted. Data from this study, which attempted to compare the in vivo effectiveness of the antibiotics with the in vitro growth-inhibition activity of milk from cows treated with these antibiotics, do not support a determination of safety and effectiveness for the combination drug. Such determination is made for the same reasons that similar in vitro data for *Streptococcus agalactiae* did not support a determination of safety and effectiveness. In addition, a review of the data shows that there is no correlation between the in vitro data and the in vivo results. These data must be disregarded both for proving any correlation between in vitro and in vivo activity and for demonstrating that the penicillin-neomycin combination is more effective than either individual ingredient.

12. *Conclusion*

The *Staphylococcus aureus* and *Streptococcus agalactiae* studies were conducted by the same investigators, and the Commissioner concludes that, basically, they both suffer the same defects that prevent them from qualifying as adequate and well-controlled investigations. The selection methods for test and control groups to be compared do not provide for a method of assignment of the animals that would exclude or even attempt to minimize bias, as required by 21 CFR 514.111(a)(5)(ii)(b). There is no description of the steps taken to document comparability of variables, such as age and re-treatment with primary treatment, contrary to 21 CFR 514.111(a)(5)(iv). Further, nowhere in Masti-Kure's submissions is there a description of the methods of recording and analyzing the animal response variables studied and the means of excluding bias or minimizing bias in the observations made by the investigators, as required by 21 CFR 514.111(a)(5)(v). Therefore, the Commissioner concludes that these are not adequate and well-controlled investigations because they do not meet the minimal criteria established by 21 CFR 514.-111(a)(5).

As for the information gleaned from the two-part study, the Commissioner concludes that the data do not statistically demonstrate that the penicillin-neomycin fixed combination is more effective than either active ingredient alone for the treatment of bovine mastitis induced by *Streptococcus agalactiae* or *Staphylococcus aureus*. As noted by the investigators, the data for *Streptococcus agalactiae* infections demonstrate that neomycin does not interfere with the penicillin activity, but its enhancing properties for penicillin activity are questionable. The results themselves show that the combination is no more effective in treating *Streptococcus agalactiae* infections than penicillin alone. In the *Straphylococcus aureus* phase of the study, results in various treatment groups were combined in a statistically fallacious manner. Properly interpreted, the results do not show that the combination is more effective than penicillin alone, but suggest that it is less effective. Nor, because of the various defects noted, do the data demonstrate that the combination is more effective even than neomycin alone in either type of infection. Masti-Kure has failed to show, therefore, that the combination is effective within the meaning of 21 CFR 514.1(b)(8)(v).

Finally, Masti-Kure must demonstrate, by adequate and well-controlled field investigations, that the drug covered by NADA 65-381 has the effect it is purported or represented to have under the conditions of use prescribed, recommended, or suggested in its labeling (21 U.S.C. 360b(d)(3)). Therefore, even if the experimental infection study met the criteria for an adequate and well-controlled investigation, and supported Masti-Kure's rationale for the combination, neither of which is the case, that study alone cannot provide the substantial evidence of effectiveness necessary to prevent withdrawal of approval of NADA 65-381. This is so not only because of the statutory requirement, but also because Masti-Kure's rationale for the combination requires it to demonstrate the existence of a naturally occurring population of mastitis infections resistant to one component and susceptible to the other, which can only be done in a field investigation.

B. Field Investigation Data

Masti-Kure also submitted data from two field investigations to attempt to demonstrate the effectiveness of the combination drug covered by NADA 65-381. The studies were conducted under the auspices of Cornell University. The Commissioner has reviewed the studies and concludes that they do not constitute substantial evidence of effectiveness, as follows:

1. *Introduction to 1973 Field Study.*

The objective of this study was to measure the effectiveness of the penicillin-neomycin fixed combination against a no-treatment control. All quarters in two cow herds were cultured, and infecting organisms were identified. Approximately 20 percent of the infected cows were randomly selected to serve as no-treatment controls, and the infected quarters of the remaining cows were treated with an infusion of the penicillin-neomycin fixed combination following each of two consecutive milkings. Eighteen to twenty-three days after the last treatment, cultures were taken from the treatment and control groups to determine effectiveness by examining for infecting organisms. The absence of infecting organisms was the basis for determining whether the cow still had mastitis. After the 18 to 23-day period, the untreated controls in which the cultures showed mastitis microorganisms were treated with the fixed combination.

Although the combination reportedly cured 141 of 144 quarters infected with *Streptococcus agalactiae* and 38 to 40 quarters infected with *Staphylococcus aureus*, the study contains no individual active ingredient control group against which the effects of the combination can be compared, as required by 21 CFR 514.1(b)(8)(v) and 514.111(a)(5)(vi). The study therefore demonstrates only that treatment with the combination product is more effective than doing nothing. Section 514.1(b)(8)(v) (21 CFR 514.1(b)(8)(v)) requires that each ingredient designated as active in any new animal drug combination must make a contribution to the effect of the drug in the manner claimed in the labeling. The Commissioner cannot determine from the study whether the combination drug product is any more effective than either penicillin or neomycin alone because

there is no treatment group besides the combination. Nor may the data from this study be used in conjunction with data from other studies to compare the effectiveness of the penicillin-neomycin combination with the effectiveness of either penicillin or neomycin alone, because Masti-Kure has submitted no evidence that documents the variables in this study and in other studies, e.g., management practices, duration, severity of the disease, and resistance of the infecting microorganisms, that would establish that the groups were comparable, as required by 21 CFR 514.111(a)(5)(iv).

2. *Introduction to 1974 Field Study.*

Three herds containing 89 cows were involved in the 1974 study. Twenty-six comprised the combination drug group, of which 21 were treated and 5 left untreated as controls. No cows were treated with neomycin. Masti-Kure's May 9 submission states on page 629 "[n]eomycin alone cannot be expected to reveal efficacy in *S. agalactiae* infections from previous observations in experimental infections and in vitro inhibitory activity."

The infected quarters of the treatment groups were treated with an infusion at two consecutive milkings. Followup cultures were taken from the 3 groups 18 to 23 days after initial treatment to determine the absence of the mastitis-causing microorganism. Some untreated controls that were still infected were then treated with the test drug for the corresponding treatment group, and the results included in those for that group.

3. *Analysis of 1974 Field Study Data.*

Three herds were used in this study: The Harvey herd, the Cleveland herd, and the Reeves herd. The distribution of *Streptococcus agalactiae* infections in the treated quarters was: 47 quarters in the Harvey herd; 15 quarters in the Cleveland herd; and 84 quarters in the Reeves herd. The distribution of *Stephylococcus aureus* infections was 7 quarters in the Harvey herd; 10 quarters in the Cleveland herd; and 11 quarters in the Reeves herd. (Some quarters were treated with another drug and are not included in Masti-Kure's tables or in this analysis.) Each herd had an untreated control group. For the Harvey herd, 10 quarters infected with *S. agalactiae* and 2 infected with *Staphylococcus aureus* were left untreated. For the Cleveland herd, one quarter infected with *S. agalactiae* and two quarters infected with *Staphylococcus aureus* were left untreated. For the Reeves herd, 15 quarters infected with *S. agalactiae* and 3 quarters infected with *Staphylococcus aureus* were left untreated.

In view of unexplained discrepancies between them, the results summarized by Masti-Kure in its May 9 submission (pages 635 and 636) will be followed in parentheses by the results derived directly from the raw data, if different. All quarters treated in the Harvey and Cleveland herds were treated with penicillin 100,000 units. The cure rate for those cows treated in the Harvey herd was 33/34 (32/37) for *Streptococcus agalactiae* infections and 3/5 for *Staphylococcus aureus* infections. The cure rate in the Cleveland herd for *Streptococcus agalactiae* infections was 14/14 and for the *Staphylococcus aureus* infections, 1/5 (0/8). Only in the Reeves herd were tests conducted using the penicillin-neomycin fixed combination. Tests with penicillin 100,000 units alone were also conducted in that herd. For those quarters in the Reeves herd infected with *Streptococcus agalactiae* and which received penicillin treatment alone, the cure rate was 28/30 (28/32), and for those so infected and treated with the penicillin-neomycin fixed combination the cure rate was 35/36 (34/36). The cure rates for quarters infected with *Staphylococcus aureus* were 3/5 (3/6) for penicillin 100,000 units and 1/2 (0/2) for the penicillin-neomycin fixed combination, respectively. Although the discrepancies indicate an overly casual handling of the data, they are immaterial: the Commissioner's analysis of the results of the 1974 study would be the same whichever version is adopted. The following discussion will use Masti-Kure's figures.

Tables II and III at pages 635–637 of the May 9 submission tabulate the results of treatments for the various herds in the 1974 study. The data indicate the following:

a. The Reeves herd was the only herd in which both the penicillin-neomycin combination and penicillin alone were studied; therefore, with the high comparability of variables likely to obtain in a single herd, comparison of the results of treatment with the two drugs in that herd should be reliable. Notably, the data for the Reeves herd fail to substantiate the claim of superior effectiveness for the combination over penicillin alone in a statistically significant manner against either *Streptococcus agalactiae* or *Staphylococcus aureaus* infections. Specifically in the case of *Staphylococcus aureus* infections—for which the combination is supposed to be of principal value because of the relative ineffectiveness of penicillin—the combination cured one of two quarters, penicillin three of five.

b. In the other two herds, there was no distribution of drug treatments among the cows. All infected quarters in the Harvey and Cleveland herds that were treated were treated with penicillin alone, and none were treated with the combination product. Given this lack of randomness in the assignment of animals to the various drug treatment groups (i.e., all of the Harvey and Cleveland herds to the penicillin group, part of the Reeves herd to that group and part to the combination group), the attempt to compare results in one herd with those in the others is contrary to 21 CFR 514.111 (a)(5)(ii)(*b*) and (a)(5)(iv). That is, treating the three herds as if they were all part of one study is untenable on its face because (1) there is failure to assure lack of bias through randomization of assignment or some other suitable means, and (2) there is no description of the steps taken, if any, to document comparability among the herds of such variables as the strength of the organism, sanitation, and the general health of the cows. (Although because it is a single herd the problem is less acute, the same criticisms apply to the groups in the Reeves herd.) The 1974 field study is, in effect, three separate studies, only one of which—that using the Reeves herd—makes any effort to test the relevant drugs, the combination and penicillin alone, against each other.

c. *Staphylococcus aureus* was the infecting organism in 24 quarters (both treated and untreated), but only 2 of these 24 (both from the Reeves herd) were treated with the penicillin-neomycin fixed combination. There was no lack of *Staphylococcus aureus* infections to test, and no apparent reason why the combination—the effectiveness of which is in issue—was used in only 2 out of 24 cases.

d. No infected quarters from any herd were treated with neomycin 25 milligrams alone.

e. No description is included of the methods, if any, used to exclude or minimize bias in the observations (21 CFR 514.111(a)(5)(v)).

The Commissioner finds that, apart from the methodological defects described above, the data from the 1974 field study do not demonstrate that the penicillin-neomycin combination is more effective against mastitis caused by either of the two infecting organisms than treatment with penicillin alone. Further, since no data were obtained on neomycin alone, the Commissioner has no basis for concluding that neomycin is not as effective as the penicillin-neomycin combination.

A review of the raw data for the 1974 study shows that the three herds were also treated with "Formula X–34," and that the results from this treatment were neither included in the tabular data nor mentioned in the written material. The raw data indicate that Formula X–34 is penicillin 100,000 units. For quarters infected with *Streptococcus agalactiae*, the Cleveland herd showed a 2/2 cure rate, and the Reeves herd showed a 9/10 cure rate. Similarly, Formula X–34 penicillin alone demonstrates a cure rate for *Staphylococcus aureus* infected quarters of 1/3 in the Cleveland herd and 1/2 in the Reeves herd. There is no indication why the data for the Formula X–34 treatment were not included in the study, and some explanation should have been included.

No investigations were conducted to measure the effectiveness in the field of neomycin alone, and no data were submitted on the basis of which the effectiveness of neomycin alone can be accurately determined. (However, the previously discussed in vitro studies and studies using artificially infected animals failed to demonstrate that neomycin alone is effective in the treatment of bovine mastitis induced by *Streptococcus agalactiae*.) Masti-Kure failed in its 1974 field study to identify any patient population infected with mastitis caused by penicillin-resistant *Staphylococcus aureus* that might be susceptible to the neomycin component of the combination. Penicillin failures were not cured with neomycin, for neomycin was not even

tested. The combination, which contains neomycin, was tested in only two quarters, and for what such small samples are worth, it had a 50 percent cure rate compared to 60 percent for penicillin in the same herd. The data on their face, therefore, do not show the existence of any population of mastitis-infected cows for which a combination of penicillin and neomycin is more effective than penicillin alone.

For the reasons mentioned above, the Commissioner concludes that the 1974 field study is not an adequate and well-controlled investigation, and that even if it were, its results fail to demonstrate that the penicillin-neomycin combination is more effective than either penicillin or neomycin alone.

4. *Cumulative Cornell Field Efficacy Data, 1973 and 1974 (Table V of the May 9 submission).*

In Table V, Masti-Kure pools the data obtained in the 1973 and 1974 Cornell field tests. The table shows about the same cure rates for the combination and for penicillin alone in *Streptococcus agalactiae* infections, and a substantially higher cure rate for the combination over penicillin alone in *Staphylococcus aureus* infections.

This combination of data from two studies done on different herds in different years in an attempt to approximate an adequate and well-controlled investigation is impermissible on its face. As noted above, each of the tests is individually subject to serious deficiencies. The 1973 study lacked proper controls, as did two of the three herds in the 1974 study. The 1974 study can be more accurately characterized as three separate studies. This is so apparently by design and also because there is no way to establish, from Masti-Kure's submission and underlying data, that the three herds involved were comparable with respect to pertinent variables (21 CFR 514.111 (a) (5) (iv)), and the procedure employed by the investigators did not provide for random assignment of animals to the various groups that Masti-Kure would compare: Assignment was on a herd-by-herd basis, and the submission points to no other method for excluding or minimizing bias in test and control groups (21 CFR 514.111(a) (5) (ii) (b).) For these reasons, data from the three herds in the 1974 study cannot validly be either compared or combined. For the same reasons, which apply more strongly because of the additional factor of time, data from the 1973 study cannot be compared or combined with those from the 1974 study.

The reason for engaging in this statistically and methodologically impermissible pooling is apparently the high cure rate (38 of 40) for the combination in *Staphylococcus aureus* infections in the 1973 field study, compared to the indifferent cure rate (1 of 2) for the combination in the 1974 study, which was no better than that for penicillin alone (7 of 15). The 1973 study proves nothing about the effectiveness of the combination against penicillin, which was not tested. The 1974 study shows penicillin outperforming the combination in the Reeves herd (3 of 5 against 1 of 2); only when penicillin results from the herds in which the combination was not tested are included does the combination show a cure rate about equal to that of penicillin. Consequently, Masti-Kure is compelled to produce better figures for the combination by pooling the results of the 1974 study with those of the 1973 study, in which the combination had a high cure rate—but in which penicillin was not tested at all. This provides a comparison of 39 cures in 42 quarters for the combination against 7 in 15 for penicillin.

Masti-Kure's pooling procedure assumes that the 1973 herds were comparable to the 1974 herds in all pertinent variables, that the herds were not biased in relation to one another, and that, therefore, penicillin alone would have performed about the same had it been tested in the 1973 study. But there is nothing in Masti-Kure's submission to support this assumption, and in fact penicillin was not tested in 1973. There is no way of knowing what would have happened had it been; obviously, it might have performed as well as or better than the combination, thus negating the combination's better showing in Table V. The pooling is invalid as an attempt to make one study out of several. Viewed as one study, it violates 21 CFR 514.111 (a) (5) (ii) (*b*) and (a) (5) (iv), both of which are designed to guard against the comparison of possibly biased groups of test animals, and neither of which was complied with in relation to the 1973 and 1974 studies such that they could be combined into one for purposes of comparing results. The Commissioner therefore concludes that the cumulative field efficacy data presented in Table V are not and cannot be a substitute for evidence from an adequate and well-controlled investigation.

The Commissioner concludes that there are no adequate and well-controlled investigations to demonstrate that the drug product covered by NADA 65–381, penicillin 100,000 units-neomycin 25 milligrams as a fixed combination, is more effective than either penicillin 100,000 units alone or neomycin 25 milligrams alone because neither the clinical investigations nor the field studies are, for the reasons cited above, adequate and well-controlled investigations. Moreover, even accepting them at face value, the data do not demonstrate in a statistically valid manner that the combination is more effective than either penicillin or neomycin alone.

C. Dosage Titration Data

As part of its original submission, Masti-Kure submitted data from one clinical investigation, which it contends demonstrate that the active ingredients in NADA 65–381 are at their optimal level of effectiveness. The Commissioner has reviewed this study and concludes that it does not constitute substantial evidence of effectiveness, as follows:

The purpose of this study is stated to be to determine if increased dose levels of individual components would be as efficacious as the fixed combination in the initial trials. This clinical investigation measured the effectiveness of three drug entities in the treatment of artificially induced *Staphylococcus aureus* bovine mastitis in dry cows: Penicillin 300,000 units, neomycin 50 milligrams, and a penicillin 300,000 units-neomycin 50 milligrams fixed combination.

Only 3 cows (12 quarters) constituted the entire test population. One cow was assigned to each treatment group, and only one quarter for the entire group served as an untreated control. Treatment was administered twice, one treatment after each of two consecutive milkings, and those quarters that failed to respond to the primary treatment were re-treated with the penicillin-neomycin fixed combination. The cure rates for the treatment groups were penicillin, 1/3; neomycin, 3/4; penicillin-neomycin, 8/8.

The test population was too small to generate statistically valid data. The test protocol does not describe the method used to confirm the absence of the disease state or the procedure and timing for administering re-treatment. Therefore, the study lacks an outline and explanation of the methods of quantitation and observation of the parameters studied, contrary to 21 CFR 514.111(a) (5) (iii), a description of the steps taken to document comparability of variables, contrary to 21 CFR 514.111(a) (5) (iv), and a description of the methods of recording and analyzing the animal response variables and the means of minimizing bias in the observations, contrary to 21 CFR 514.111(a) (5) (v).

All primary treatment failures were re-treated with the penicillin-neomycin fixed combination. As such, the method of selection of the animals to be studied and those to serve as controls did not provide for assignment under conditions that would exclude or minimize bias, contrary to 21 CFR 514.111(a) (5) (ii) (*b*), because all quarters were assigned to one group for re-treatment, and only one quarter was assigned to the untreated control group. A condition precedent to any demonstration of effectiveness is the establishment of the self-limiting nature of the infection. Such a demonstration cannot be made with these inadequate data. Moreover, this study was conducted on dry cows, while the drug product covered by NADA 65–381 is for administration only to lactating cows. Use of such cows violates the requirement (21 CFR 514.111(a) (5) (ii) (*a*)) that there be a method of selection that assures the presence of the clinical state under study, in this case mastitis in lactating cows, or the requirement (21 CFR 514.111(a) (5) (iv)) that there be documentation of the comparability of this variable, i.e., whether the cow is dry or lactating. From these defects the Commissioner must conclude that this was not an adequate and well-controlled investigation. These data were submitted to demonstrate, by dosage titration, the optimum safe and effective dose for penicillin and neomycin as a fixed combination in the treatment of bovine mastitis, but the enumerated defects establish that the data were not derived from adequate and well-con-

trolled investigations, which is the threshold requirement for such a demonstration. Moreover, only one of the organisms cited in the labeling was used in the study.

The rationale for the penicillin-neomycin fixed combination is that most strains of *Staphylococcus aureus* are susceptible to neomycin, even though they may be resistant to penicillin. Although the data submitted are statistically insufficient and the study was not an adequate and well-controlled investigation, the results suggest that neomycin 50 milligrams may be the optimum safe and effective dosage. As such, the Commissioner cannot conclude that the drug product in NADA 65–381, penicillin 100,000 units-neomycin 25 milligrams, would be safe and effective.

The attempt to correlate in vivo effectiveness with in vitro growth inhibition through the treatment of microorganism cultures with milk from quarters infused with the antibiotics must be ignored for the reasons cited supra (see item III.A.6). Although the results state that there is an apparent correlation between the effective concentration for inhibition of culture organisms and clinical response, data gathered by the Bureau of Veterinary Medicine of the Food and Drug Administration reveal that the antibiotic concentration in milk from quarters infused with these antibiotics is a direct function of milk volume production. Masti-Kure has presented no explanation of why a conclusion that a correlation exists between in vivo and in vitro responses should be drawn, and the Commissioner is unaware of any. On the contrary, the Commissioner believes that it is unreasonable and improper to make such a conclusion.

Finally, Masti-Kure must demonstrate by substantial evidence of effectiveness that the formulation for the drug product covered by NADA 65–381 is the optimal safe and effective dosage for the active ingredients. As noted previously, 21 U.S.C. 360b(d)(3) requires that substantial evidence of effectiveness include adequate and well-controlled field investigations. Therefore, even if the clinical study were an adequate and well-controlled investigation, data derived solely from it cannot provide substantial evidence that the concentrations of active ingredients in NADA 65–381 are at the optimal level for effectiveness, and so cannot prevent withdrawal of approval of NADA 65–381. This is true whether or not the data can statistically demonstrate evidence that the formulation contains the optimal concentration of active ingredients.

IV. Findings

The Commissioner finds that Masti-Kure has not submitted any adequate well-controlled investigations, within the meaning of 21 CFR 514.111(a)(5), that demonstrate that the penicillin-neomycin fixed combination covered by NADA 65–381 is effective within the meaning of 21 CFR 514.1(b)(8)(v). Accordingly, the Commissioner finds with respect to this NADA that, on the basis of new information before him, evaluated together with evidence available to him when the NADA was approved, there is a lack of substantial evidence of effectiveness that the fixed combination will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 512, 701, 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 72 Stat. 1785–1788 as amended, 82 Stat. 343–351 (21 U.S.C. 348, 357, 360b, 371)) and the Animal Drug Amendments of 1968 (sec. 108(b), 82 Stat. 353) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby orders, based on the findings stated above:

1. That the request for hearing on withdrawal of approval of drug products marketed under new animal drug application 65–381 be and is hereby denied.

2. That approval of the new animal drug application 65–381 be and is hereby withdrawn effective February 17, 1976.

Dated: February 6, 1976.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.76-4411 Filed 2-13-76;8:45 am]

[Docket No. 76F-0016]

NATIONAL COTTONSEED PRODUCTS ASSOCIATION, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (MF-3539) has been filed by the National Cottonseed Products Association, Inc., P.O. Box 12023, Memphis, TN 38112, proposing that § 121.319 *Ammoniated cottonseed meal* (21 CFR 121.319) be amended to provide for the safe use of ammoniated cottonseed meal as a source of protein and of nonprotein nitrogen in combination with other nonprotein nitrogen source(s) in the feed of ruminants in an amount not to exceed 20 percent of the total ration, and to provide for the safe use of the additive as a source of protein in the feed of laying chickens in an amount not to exceed 10 percent of the total ration.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 29, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4409 Filed 2-13-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-63]

ALABAMA-TENNESSEE NATURAL GAS COMPANY ET AL.

Order Directing Immediate Filing and To Show Cause

FEBRUARY 9, 1976.

Each of the named Respondents listed in Appendix A has failed to make timely filing of certain gas conservation information pursuant to Commission Order No. 498 (39 FR 1310), "Further Emergency Procedures for Conservation of Natural Gas Directed to Natural Gas Pipeline Companies, Gas Distributors, State Commissions and Gas Consumers" due January 1, 1976. Commission Order No. 498 issued December 21, 1973 in Docket No. RM74-8 requires each Class A and Class B interstate pipeline company to file certain gas conservation information on January 1, and July 1 each year. Since the Respondents are delinquent in meeting the semi-annual filing requirement, each Respondent is by this order directed to make immediate filing of the required conservation information and to show cause why it should not be held to be in violation of the Natural Gas Act and the Commission's Rules and Regulations thereunder.

The Commission uses this information to further conservation objectives on a nation-wide basis. The information is required by the Commission in order to fulfill the important statutory obligations with which it is charged. The filing as required by Order No. 498 must be provided on a continuing and routine basis so that the Commission can better evaluate the effect of conservation measures in the efficient utilization of our natural resources to cope with the gas supply shortage.

The Natural Gas Act in Section 10(a) requires every natural gas company to file with the Commission such annual and other reports as the Commission prescribes. Section 10(b) of the Act provides that it shall be unlawful for any natural gas company willfully to delay the filing of any report required to be filed under the Act or any rule, regulation or order thereunder. Additionally, Section 21 of the Act prescribes criminal penalties for the willful and knowing violation of the Act or Commission rules, regulations or orders. This proceeding shall determine whether respondents violated any section of the Act.

The Commission finds: It is necessary in the public interest in the administration and enforcement of the Natural Gas Act to require each Respondent to make immediate filing of its gas conservation information as required by Order No. 498 and to show cause why it should not be held in willful violation of the Natural Gas Act and the Commission's Rules and Regulations thereunder for failing to have made a timely filing of said gas conservation information required by Order No. 498.

The Commission orders: (A) Each Respondent shall make immediate filing of its gas conservation information as re-

quired by Order No. 498 for the period ending January 1, 1976.

(B) Each Respondent shall show cause why it should not be found to be in willful violation of the Natural Gas Act and the Commission's Rules and Regulations thereunder as set forth in this order by filing a written answer to this order with the Commission within 10 days from the date of issuance hereof in accordance with Sections 1.6(d) and 1.9 (c) of the Commission's Rules of Practice and Procedure [18 CFR 1.6(d) and 1.9(c)].

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A—COMPANIES WHOSE DOCKET NO. RM74-8 (ORDER NO. 498) FILINGS FOR JANUARY 1, 1976, HAVE NOT BEEN RECEIVED AS OF JANUARY 14, 1976

Alabama-Tennessee Natural Gas Co.
Arkansas Louisiana Gas Co.
Black Marlin Pipeline Co.
Bluefield Gas Co.
Carnegie Natural Gas Co.
Distrigas Corporation
Eastern Shore Natural Gas Co.
Inter-City Minnesota Pipeline Ltd.
Louisiana-Nevada Transit Co.
Montana-Dakota Utilities Co.
National Fuel Gas Supply Corp.
Northern Utilities, Inc. (Wyoming)
Ohio River Pipeline Corp.
Cimarron Transmission Co.
Horner and Smith
Lone Star Gathering Co.
McCulloch Interstate Gas Co.
Oklahoma Natural Gas Gathering Corp.
South Texas Natural Gas Gathering Co.
Stingray Pipeline Co.
Tidal Transmission Co.
The Jupiter Corp.
Valley Gas Transmission, Inc.
West Texas Gathering Co.
Lone Star Gas Co.
Pennsylvania and Southern Gas Co.
Shenandoah Gas Co.
Washington Gas Light Co.

[FR Doc.76-4391 Filed 2-13-76;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORPORATION

Notice of Extension of Time

FEBRUARY 9, 1976.

On February 4, 1976, Staff Counsel filed a motion to extend for filing comments on the proposed settlement agreement filed in the above-indicated docket on December 11, 1975. The time for filing such comments was last extended by notice issued January 22, 1976, as corrected by notice issued January 28, 1976.

Notice is hereby given that the time for filing comments on the proposed settlement agreement in the above matter is extended from February 6, 1976 to and including February 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4400 Filed 2-13-76;8:45 am]

[Docket No. IT-5024]

COMISION FEDERAL DE ELECTRICIDAD, AND CENTRAL POWER AND LIGHT CO.

Order Substituting Holder of Presidential Permit, Authorizing Transmission of Electric Energy to Mexico, and Accepting Export Rate Schedule for Filing

FEBRUARY 9, 1976.

Comision Federal de Electricidad, Division Golfo Norte (CFE), filed an application on August 4, 1975 for (1) an amendment, pursuant to Executive Order No. 10485, dated September 3, 1953, of the Presidential Permit signed by the President of the United States on April 23, 1942 so as to reflect CFE's succession to the interest of Cia. Luz y Fuerza Motriz de Acuna, S.A. (Light and Power Company of Acuna) in certain electric transmission facilities at the international border between the United States and Mexico which are covered by that Presidential Permit; and (2) a supplemental order, pursuant to Section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which may be transmitted from the United States to Mexico over the aforementioned facilities, all in Docket No. IT-5024. Central Power and Light Company (Central) filed a joinder in CFE's application on August 4, 1975.

CFE is an agency of the Republic of Mexico. Central is incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Texas.

The Presidential Permit in Docket No. IT-5024, referred to above, authorized Light and Power Company of Acuna to operate and maintain certain 12 kv facilities at the United States-Mexican border in the vicinity of Del Rio, Texas, for the transmission of electric energy between the United States and Mexico.

By Commission order issued April 21, 1969, in Docket No. IT-5024 (41 FPC 520), Light and Power Company of Acuna and Central were authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 20,000,000 kwh per year at a transmission rate not to exceed 4,000 kw over the 12 kv facilities of Light and Power Company of Acuna, referred to above.

CFE and Central (Applicants) request that the authorization granted by Commission order of April 21, 1969, referred to above, be modified so as to authorize Applicants to export electric energy in an amount not in excess of 40,000,000 kwh per year at a transmission rate not to exceed 8,000 kw for use in meeting the growth in the number and requirements of electric service customers formerly served by Light and Power Company of Acuna and presently served by CFE in Ciudad Acuna, State of Coahuila, Mexico, and vicinity. Central, as at present, will be the supplier and CFE will be the transmitter of the exported energy. It will be delivered by Central to CFE at a point in Texas near the International Bridge between Del Rio, Texas, and Ciudad Acuna, from which point CFE will transmit the energy across the Rio Grande to a point in Mexico near Ciudad Acuna by means of the aforementioned 12 kv facilities. The interest of Light and Power Company of Acuna in those facilities has been acquired by CFE, as indicated above.

The increased amount of electric energy proposed to be exported to Mexico will be sold by Central to CFE in accordance with the terms and conditions and at the rates and charges set forth in the Electric Service Contract dated February 17, 1975 (Contract) between Applicants and in certain attachments to the Contract. A copy of the Contract and its attachments, including Central's Schedule IP-40, was submitted as part of the application and is deemed to have been tendered for filing by Central as an export rate schedule pursuant to the requirements of Part 35 of the Commission's Regulations under the Federal Power Act, particularly Sections 35.13 and 35.20 thereof (18 CFR 35.13 and 35.20). The Contract, together with its attachments except Schedule IP-40, has been designated in the Commission's files as Central's Export Rate Schedule FPC No. 47. Upon acceptance for filing, it will supersede Central's Export Rate Schedule FPC No. 42 which was applicable to Central's sales of energy to Light and Power Company of Acuna. Schedule IP-40 has been designated in the Commission's files as Supplement No. 1 to Central's Export Rate Schedule FPC No. 47. The Contract provides that, unless terminated in accordance with its terms, it shall continue in effect until December 31, 1977 and thereafter until cancelled by 30 days written notice given by one of the contracting parties to the other. Information on file with the Commission shows that CFE proposes to complete construction in Mexico of certain 138 kv transmission facilities by the end of calendar year 1978. Those facilities will enable CFE to supply the Ciudad Acuna area with energy from CFE's electric generating plants, thereby making it unnecessary for CFE to continue its purchases of energy from Central under the Contract after December 31, 1978.

Information submitted as part of the application and otherwise on file with the Commission demonstrates that Central's electric system has adequate generating and transmitting capacity to furnish the additional amount of electric energy at the increased rate of transmission to CFE for exportation to Mexico as well as to furnish the electric service needs of Central's present and prospective customers in that area of the United States from which the exportation is proposed to be made. Such information also reveals that if the proposed increased amount of energy is not supplied by Central to CFE, then in that event Central will have available generating capacity which will not be utilized. The substitution of CFE in place of Light and Power Company of Acuna as holder of the Presidential Permit will accomplish CFE's objective in seeking an amendment of such permit, namely, au-

thorization for CFE's use of the existing 12 kv facilities to export energy to Ciudad Acuna. No objections to Applicants' requests have been received from officials or agencies of the State of Texas or from other individuals or entities in response to public notice of the application, as more particularly set forth below.

The Commission determines that authorizing an increase in the amount and transmission rate of the energy which may be exported, designating a new holder of the Presidential Permit which covers the facilities employed for such exportation, and accepting for filing the rate schedule applicable to the sale of the exported energy, all as hereinafter provided, do not constitute major Federal actions significantly affecting the quality of the human environment so as to require a detailed environmental impact statement in this proceeding within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Written notice of the application has been given to the Railroad Commission of Texas and to the Governor of that State. Notice of the application has also been given by publication in the FEDERAL REGISTER on October 6, 1975 (40 FR 46134), stating that any person desiring to be heard or to make any protest with reference to the application should, on or before October 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No petition or protest or request to be heard in opposition to the granting of the application has been received.

The Commission further finds: (1) The substitution of CFE as the holder of the Presidential Permit referred to above, in lieu of Light and Power Company of Acuna, as hereinafter provided, is consistent with the public interest.

(2) The proposed transmission of electric energy from the United States to Mexico, as limited herein and as hereinafter authorized, will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission.

(3) It is necessary and appropriate for purposes of Part 35 of the Commission's Regulations under the Federal Power Act that Central's Export Rate Schedule FPC No. 47 and Supplement No. 1 thereto be accepted for filing and allowed to take effect as of September 4, 1975, 30 days after such rate schedule and supplement were tendered for filing, as hereinafter provided.

(4) The period of public notice given in this matter is reasonable.

The Commission orders: (A) CFE is hereby substituted as the holder of the Presidential Permit signed by the President of the United States on April 23, 1942, Docket No. IT-5024.

(B) Applicants are hereby authorized to transmit electric energy from the United States to Mexico in accordance with the terms and conditions set forth in the application and subject to the provisions of this order.

(C) The electric energy which Applicants are hereby authorized to transmit from the United States to Mexico shall be in an amount not in excess of 40,000,000 kwh per year at a transmission rate not to exceed 8,000 kw; the energy to be transmited over the facilities specified in the Presidential Permit referred to in Paragraph (A) above.

(D) Central's Export Rate Schedule FPC No. 47 and Supplement No. 1 to Central's Export Rate Schedule FPC No. 47 are hereby accepted for filing and allowed to take effect as of September 4, 1975.

(E) The authorization herein granted may be modified from time to time or terminated by further order of the Commission, but in no event shall such authorization extend beyond December 31, 1978.

(F) Applicants shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations or orders issued by the Commission.

(G) Applicants shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted from the United States to Mexico pursuant to the authority herein granted; and shall make, keep and preserve full and complete records with respect to the movement of such energy, CFE shall furnish in triplicate to the Commission, with respect to such transmission of energy, a report annually on or before February 15, showing the amount of energy transmitted, the maximum rate of transmission, and the consideration paid therefor during each month of the preceding calendar year.

(H) This authorization to transmit electric energy from the United States to Mexico shall not be transferable or assignable, but shall continue in effect temporarily for a reasonable time thereafter in the event of the involuntary transfer of facilities used hereunder by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer.

(I) This authorization shall be without prejudice to the authority of any State, State regulatory commission, or the Republic of Mexico for the exercise of any lawful authority vested in such State, State regulatory commission, or the Republic of Mexico over Applicants.

(J) This authorization is without prejudice to the authority of this Commission, or any other regulatory body, with respect to rates, service, accounts, valuation, estimates or determinations of cost, or any other matter whatsoever now pending or which may come before this Commission or any other regulatory body, and nothing herein shall be construed as an acquiescence by this Commission in any estimate or determination of cost or any valuation of property claimed or asserted.

(K) Acceptance of the rate schedule and supplement thereto as referred to in Paragraph (D) above is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in this or any proceeding now pending or hereafter instituted by or against Central.

(L) Nothing contained in this order shall be construed as constituting approval by this Commission of any service, rate, charge, classification or any rule, regulation, contract or practice affecting such service or rate provided for in the rate schedule and supplement thereto referred to in Paragraph (D) above; nor shall this order be deemed as recognizing any claimed contractual right or obligation affecting or relating to such service or rate.

(M) The authorization herein granted shall supersede that heretofore granted by the aforementioned Commission order issued April 21, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-4401 Filed 2-13-76;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Order Approving Settlement Agreement Establishing Procedures for the Reserved Issue, and Permitting Intervention

FEBRUARY 9, 1976.

On July 1, 1974, the Florida Gas Transmission Company (Florida Gas) tendered for filing revised tariff sheets[1] providing for an annual revenue increase of $6,021,575 (7.26%) based on a test year ending March 31, 1974, with a proposed effective date of August 1, 1974. By Commission order issued July 31, 1974, the proposed rates were suspended for five months, until January 1, 1975 when they were permitted to become effective, subject to refund.

Notice of this filing was issued on July 9, 1974, with comments due on or before July 26, 1974. Timely petitions to intervene were filed by the Sun Oil Company, Peoples Gas System, Inc., Florida Public Utilities Company, Gainsville Gas Company, and Gardinier, Inc. Late petitions to intervene were filed by Florida Power and Light Company, Florida Power Corporation, and Southern Gas Company. All such petitions for

[1] *Original Volume No. 1:* Sixth Revised Sheet No. 3A—Rate Schedules G and I; First Revised Sheet No. 22C—Rate Schedules G and I. *Original Volume No. 2:* Eleventh Revised Sheet No. 27—Rate Schedule T-1; Eleventh Revised Sheet No. 63—Rate Schedule T-2; Eighth Revised Sheet No. 128—Rate Schedule T-3.

leave to intervene were granted by Commission order issued on September 23, 1974. On June 13, 1975, West Florida Natural Gas Company (West Florida) filed its petition to intervene which has not previously been acted upon. It is appropriate that West Florida's petition be granted in this order, as hereinafter ordered and petitioned.

Hearings were held in this proceeding on August 26, October 1, and October 23, 1975, in which Florida Gas, several intervenors, and the Commission Staff presented their testimony and exhibits for the record. At the October 23 hearing a settlement agreement,[2] which purports to settle all issues except the reserved issue of fair rate of return on common equity, was received in evidence. On October 24, 1975, Presiding Administrative Law Judge Gordon certified this settlement agreement and the record to the Commission. Staff has stated its approval of the proposed agreement on the record. One of the aforementioned intervenors, Florida Power Corporation, was present at the October 23 hearing, and it indicated its approval of the agreement. Notice of the certification was issued on November 5, 1975, with comments due on or before November 21, 1975. Consolidated comments in support of the proposed settlement were filed by intervenors Southern Gas Company, Division of Donovan Companies, Inc., Gainesville Gas Company, and West Florida Natural Gas Company.

On January 10, 1975, Florida Gas filed for an additional increase in rates in Docket No. RP75–53, which became effective subject to refund on July 10, 1975. As a result a "locked-in" period has been created extending from January 1, 1975, the effective date of the RP75–1 rates, until July 9, 1975.

The Settlement Agreement: The Settlement Agreement contains seven articles and two appendices, and is summarized as follows:

Article I sets forth a procedural history of this proceeding.

Article II delineates the stipulated costs, the method of cost allocation, and cost allocation factors. The cost of service[3] reflects the rate of return on common equity advocated by Florida Gas for illustrative purposes only and for completion of the cost of service statement, and as a result is subject to the decision on the reserved rate of return issue.

Article III provides for the reservation of the rate of return issue for future trial and for the payment of refunds if the decision of this issue so provides. The stipulated capitalization and debt cost are as follows, with the sole difference going to the fair rate of return on common equity:

[In percent]

	Capitalization ratios	Cost factors	Weighted components
Debt	60.09	7.29	4.38
Common equity	39.91		
Total	100.00		

At Staff's proposed return on equity of 11.75%, an overall rate of return of 9.1% would result. Florida Gas proposes a rate of return of 10.0%.

Article IV establishes refund procedures, whereby refunds are to be made within 60 days of the final decision on rate of return, at the rate of seven (7) per cent interest.

Article V provides that any supplier refunds attributable to the locked-in period shall be flowed through in accordance with the deferred account provision of Florida Gas' purchased gas adjustment provision in its tariff.

Article VI lists certain reservations of the parties including the undertaking of Florida Gas to file a United method of cost classification and allocation, although Seaboard was employed in this settlement agreement, the stipulation that no party agrees to any rate making principle underlying the settlement agreement, and reservation of the right to raise the issue of statutory as opposed to consolidated effective tax rate in other Florida Gas rate proceedings.

The Seventh and last Article provides that the agreement not become effective unless approved by the Commission in its entirety.

Based upon our review of this proposed settlement agreement, we find that it represents a reasonable resolution of the issues in this proceeding except the rate of return issue, and that accordingly it should be approved and adopted and hearing procedures for the reserved issue be established herein.

The Commission finds: (1) The proposed settlement agreement resolving the issues in this rate proceeding is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved and adopted, and hearing procedures for the reserved rate of return issue should be established.

(2) Participation by West Florida in this proceeding may be in the public interest.

The Commission orders: (A) The Settlement Agreement entered into the record on October 23, 1975, is hereby approved and adopted.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at an initial conference in this proceeding on February 26, 1976, at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish and change all procedural date, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate, and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(D) West Florida is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of West Florida shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* that the admission of West Florida shall not be construed as recognition by the Commission that West Florida might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

FLORIDA GAS TRANSMISSION CO.

DOCKET NO. RP75–1 SUMMARY COST OF SERVICE, 12 MONTHS ENDED JUNE 30, 1975

	Amount
Operation and maintenance expense:	
Gas supply expenses, adjusted	$34,385,296
Transmission expenses	8,732,843
Sales expenses	233,785
Administrative and general expenses	4,912,562
Total operation and maintenance expense	48,264,486
Other cost of service items:	
Depreciation expense	13,419,275
Taxes other than income	2,855,783
States income taxes[1]	1,244,482
Federal income taxes[1]	11,818,438
Return on rate base[1]	23,655,601
Other gas revenues (credit)	(1,024,070)
Total cost of service	100,233,995

NOTE.—All items are agreed to except rate of return and related taxes.

[1] Based on a rate of return of 10 percent.

[2] See Exhibit 29 of the record.

[3] See Appendix A.

[FR Doc.76–4392 Filed 2–13–76;8:45 am]

[Docket No. ER76-220]

GREEN MOUNTAIN POWER CORP.

Notice of Filing

FEBRUARY 9, 1976.

Take notice that on November 5, 1975, Green Mountain Power Corporation (Green Mountain) tendered for filing a contract between Green Mountain and Long Island Lighting Company, dated October 1, 1975.

According to Green Mountain, it has agreed to sell and Long Island Lighting has agreed to buy 30.0 MW of the capacity of the Vermont Yankee Nuclear Power Plant at Vernon, Vermont, and associated energy.

Green Mountain requests an effective date of November 1, 1975.

A copy of the filing has been sent to the Vermont Public Service Board and to the Long Island Lighting Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before February 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4402 Filed 2-13-76;8:45 am]

[Docket No. CI76-134]

GULF OIL CORP.

Notice of Withdrawal

FEBRUARY 6, 1976.

On December 4, 1975, Gulf Oil Corporation filed a motion to withdraw its application for Certificate of Public Convenience and Necessity filed on September 4, 1975, in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application became effective on October 6, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4393 Filed 2-13-76;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 9, 1976.

On February 3, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1975, as most recently modified by notice issued December 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above are modified as follows:

Service of Staff Testimony, March 12, 1976.
Service of Intervenor Testimony, March 26, 1976.
Service of Company Rebuttal, April 9, 1976.
Hearing, April 20, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4403 Filed 2-13-76;8:45 am]

[Docket No. RP70-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Waiving Regulations, Accepting Tariff Sheets for Filing, Suspending Tariff Sheets for One Day, and Denying Request for Future Cancellation of Tariff Sheets

FEBRUARY 6, 1976.

On February 3, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing in Docket No. RP70-42, Original Sheet No. 139-A to its FPC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of this filing is to exempt from curtailment under Section 23, Natural's currently effective temporary curtailment provision, all Buyers under Rate Schedule G-1 for a two month period: February 1 through March 31, 1976. Natural informed the Commission of its intention to file this tariff provision in its Supplement to Petition to Amend filed January 30, 1976, in Docket No. CP74-254 (see P. 3, footnote 2).

Natural further states that it is its intention to file a cancellation of this Sheet No. 139-A at the end of the two month period.

Natural requests waiver of the regulations to the extent necessary to permit the filing to become effective on February 1, 1976, and cancellation effective April 1, 1976.

We will issue a Notice of this filing within a short period of time and thereby give all persons an opportunity to comment thereon. In the meantime, the public interest requires Natural to deal with the problems involved through its newly invoked curtailment. We therefore, will waive our Regulations in order to permit us to accept for filing Original Sheet No. 139-A, suspend the filing for one day and, by further order, will set the procedures for determining its lawfulness. We decline to waive our Regulations to the extent necessary to provide for cancellation of the tendered sheet at the end of two months. The Natural Gas Act and the Rules and Regulations thereunder provide adequate means for cancellation of effective tariff provisions. If Natural desires to cancel the subject Sheet, it may file for cancellation in the manner prescribed by the Act. However, there is no justification shown by Natural that will lead us to grant its request for cancellation of the subject Sheet at this time.

The Commission finds: (1) Original Sheet No. 139-A to Natural's FPC Gas Tariff, Third Revised Volume No. 1 has not been shown to be lawful, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to waive our Regulations to accept for filing Original Sheet No. 139-A to Natural's FPC Gas Tariff, Third Revised Volume No. 1 and suspend the sheet as hereinafter ordered.

(3) Good cause exists to deny Natural's request for cancellation of Sheet No. 139-A effective April 1, 1976.

The Commission orders: (A) Our Regulations under the Natural Gas Act are hereby Waived in order to permit us to accept for filing Original Sheet No. 139-A to Natural's FPC Gas Tariff, Third Revised Volume No. 1 and that Sheet is hereby accepted for filing.

(B) Pending further Commission action, Original Sheet No. 139-A to Natural's FPC Gas Tariff, Third Revised Volume No. 1 is hereby suspended and the use thereof deferred until February 2, 1976, and until such further time as it is made effective in a manner prescribed by the Natural Gas Act.

(C) Natural's request for cancellation of Sheet No. 139-A, effective April 1, 1976, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4394 Filed 2-13-76;8:45 am]

[Project Nos. 2243-2273]

PACIFIC NORTHWEST POWER COMPANY AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Intent to Act

FEBRUARY 6, 1976.

The Sierra Club, Federation of Western Outdoor Clubs, Idaho Alpine Club and the State of Washington, Department of Ecology have moved to dismiss the above license applications under Public Law 94-199, 16 U.S.C. 460 gg, et seq. The Staff filed an answer on January 23, 1976, asking that the motion be granted. The Commission intends to issue an order on this matter in the near future. Therefore the motion shall not be deemed denied under Section 1.12(e) of the Commission Rules.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4395 Filed 2-13-76;8:45 am]

[Docket No. ER76-439]

POTOMAC ELECTRIC POWER CO.

Notice of Request for Waiver of Order No. 517

FEBRUARY 9, 1976.

Take notice that on February 3, 1976, Potomac Electric Power Company (Pepco) tendered for filing a request for

waiver in complying with Order No. 517 pending issuance of the Commission's decision in Docket No. E–8741.

Pepco states that its FPC Rate Schedule No. 14 for service to Southern Maryland Electric Cooperative, Inc. (SMECO) is a fixed rate contract. Pepco states that in Docket No. E–8721 it is attempting to raise the rates by showing that they are so low as to adversely affect the public interest. Pepco states that it does not intend to file a fuel clause conforming to Section 35.14 of the Regulations, as amended by Order No. 517, unless the current rate is found so low as to adversely affect the public interest by Commission decision in E–8741. Pepco requests waiver of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 February 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–4404 Filed 2–13–76;8:45 am]

[Docket No. RI76–47]

SOHIO PETROLEUM CO.

Order Granting Special Relief and Permitting Intervention

FEBRUARY 9, 1976.

On October 17, 1975, Sohio Petroleum Company (Sohio) filed a petition for special relief in Docket No. RI76–47 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) with respect to a sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the McCaslin No. 1 Well, N. E. Keenan Field, Woodward County, Oklahoma.

Sohio owns a 33.334% working interest in this well. Sohio is currently collecting a rate of 24.193 cents per Mcf pursuant to a gas sales contract with Panhandle designated Sohio's FPC Gas Rate Schedule No. 156. Sohio also collects 21.8885 cents per Mcf from Panhandle pursuant to Sohio's FPC Gas Rate Schedule No. 154. In order to avoid plugging and abandonment of the McCaslin No. 1 Well due to uneconomic production, Sohio states that it was necessary to install a gas compressor. In consideration of Sohio's compression costs, Panhandle has agreed to raise the contract price by 5 cents per Mcf to a total of 26.8885 cents per Mcf under Sohio's FPC Gas Rate Schedule No. 154 and 29.183 cents per Mcf under Sohio's FPC Gas Rate Schedule No. 156.[1]

Notice of Sohio's petition for special relief was issued on November 5, 1975 and appeared in the FEDERAL REGISTER on November 17, 1975 at 40 FR 53313. Sohio supplemented its petition with additional information filed on November 5 and 14, 1975. Thereafter, notice of this supplemental information was issued on November 17, 1975 and appeared in the FEDERAL REGISTER on November 26, 1975 at 40 FR 54880.

Panhandle filed a timely petition to intervene on November 14, 1975.

The Commission's Staff has conducted a detailed analysis of the data submitted by Sohio. Based thereon Staff has estimated that 215,829 Mcf of gas and 1,327 Bbl of liquids can be produced over the next 2.25 years, and Staff has determined that the proposed rates are cost justified. Upon consideration of the record in this proceeding, including the Staff analysis of the data submitted, we concur.

The Commission finds: (1) The petition for special relief filed by Sohio should be granted.

(2) Good cause exists to allow Panhandle to intervene in this proceeding.

The Commission orders: (A) The petition for special relief of Sohio is hereby granted.

(B) The contract amendments agreed to by Sohio and Panhandle are accepted as Supplement No. 5 to Sohio's Gas Rate Schedule No. 154 and Supplement No. 5 to Sohio's Gas Rate Schedule No. 156.

(C) Sohio is authorized to collect 29.183 cents per Mcf at 14.65 psia as Supplement No. 6 to Sohio's Gas Rate Schedule No. 156, effective as of the date of issuance of this order.

(D) Sohio is authorized to collect 26.8885 cents per Mcf under its Gas Rate Schedule No. 154 provided it files a notice of change in rate to that level within 30 days of the issuance of this order.

(E) Panhandle is permitted to intervene in this proceeding for special relief subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–4396 Filed 2–13–76;8:45 am]

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[1] The rate sought by Sohio does not take into account any effect on Sohio's tax liability resulting from the repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

[Docket No. CI75–466, et al.]

TENNECO OIL COMPANY AND TENNESSEE GAS PIPELINE COMPANY

Order Setting Oral Argument

FEBRUARY 6, 1976.

On January 21, 1976, Tenneco Oil Company (Tenneco Oil) filed a motion requesting oral argument with respect to the proceeding in Docket No. CI75–466. This proceeding involves an imbalance in the receipts and deliveries between Tenneco Oil and Tennessee Gas Pipeline Company, a division of Tenneco, Inc. (Tennessee). On February 7, 1975, the Commission issued an order directing Tenneco Oil and Tennessee to show cause why Tenneco Oil should not immediately repay 12,552,438 Mcf of natural gas owing to Tennessee by Tenneco Oil on August 31, 1975. The administrative hearing has concluded and the case is now before the Commission.[1]

Tenneco Oil has requested that oral argument be granted on the basis that newspaper articles and testimony by members of the Commission Staff concerning this case on January 15, 1976, before the House Subcommittee on Energy and Power indicate that the understanding of this case by some members of our Staff is "demonstrably * * * inaccurate and incomplete." Tenneco Oil asserts that oral argument is required by *Pillsbury* v. *F.T.C.*[2] and *D.C. Federation of Civic Assoc., et al.* v. *Volpe*[3] to assure that it and Tennessee receive a fair and impartial hearing and decision.

Staff and the Public Service Commission of the State of New York (PSCNY) filed answers to Tenneco Oil's motion. PSCNY did not take a position on the appropriateness of oral argument; however, it reserved its right to participate. Staff opposed the motion on the basis that it was unnecessary for Tenneco Oil to respond to material that was not part of the record before the Commission. Staff also asserted that Tenneco Oil has not complied with § 1.31(d) of the Commission's Rules of Practice and Procedure[4] and further, that granting the motion would result in needless delay.

While we do not agree that *Pillsbury* and *Volpe* are applicable, we will nonetheless grant oral argument so that there can be no doubt that each party to this proceeding has been treated in a fair and impartial manner.

Our final determination in this proceeding may require that we reconsider our action in *Creole Gas Pipeline Corporation, et al.*, Docket No. CP75–241, et al., in which we granted Creole and New Orleans Public Service Inc. exemptions from federal regulation under Section 1(c) of the Natural Gas Act on the basis that they transport and sell natural gas

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[1] Judge Convisser noted that this imbalance had increased to 12,952,000 Mcf. Initial Decision at 8 citing Tr. 51.

[2] 354 F. 2d 952 (5th Cir. 1966).

[3] 459 F. 2d 1231 (1972).

[4] 18 CFR § 1.31(d) (1975).

wholly within the State of Louisiana and are subject to the jurisdiction of the state. Accordingly, we shall direct the Secretary to serve copies of this order upon each and we invite them to participate in the oral argument should they so desire.

Our intention in setting oral argument is to permit all parties to present and supplement their views expressed in briefs on exceptions and opposing exceptions to Judge Convisser's decision.

The Commission orders: (A) Oral argument shall be held in this proceeding before the Federal Power Commission commencing at 9:30 a.m. (EST), February 20, 1976, in Hearing Room A, 825 North Capitol Street, Northeast, Washington, D.C.

(B) All parties to this proceeding and Creole Gas Pipeline Corporation and New Orleans Public Service, Inc. may participate in the oral argument. Those desiring to make oral argument shall inform the Secretary on or before February 13, 1976, and shall state the amount of time that they request. In addition, any party wishing to file a written statement relating to oral argument shall do so not later than February 17, 1976.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER, and shall serve copies of the same on all parties to this proceeding and Creole Gas Pipeline Corporation and New Orleans Public Service Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4397 Filed 2-13-76;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Notice of Extension of Procedural Dates

FEBRUARY 9, 1976.

On January 22, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1976, in the above-designated proceeding.

On February 2, 1976, Texas Gas Transmission Corporation filed a response to Staff's motion, stating no objection to the extension of time, but requesting more time for filing rebuttal testimony.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, June 30, 1976.
Service of Intervenor Testimony, July 21, 1976.
Service of Company Rebuttal, August 18, 1976.
Hearing, September 1, 1976 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4405 Filed 2-13-76;8:45 am]

[Docket No. CP75-363]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Amendment to Certificate of Public Convenience and Necessity and Request for Temporary Certificate of Public Convenience and Necessity

FEBRUARY 6, 1976.

Take notice that on January 15, 1976, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. CP75-363 a petition to amend its certificate of public convenience and necessity issued November 11, 1975.

The November 11, 1975 order authorized Transco to transport on an interreuptible basis up to 600 Mcf of natural gas per day for Owens-Corning Fiberglas Corporation (Owens-Corning), an existing industrial customer of Transco. This transportation, which began on December 13, 1975, for a term of 15 months, is to supply Owens-Corning's Anderson, South Carolina plant. The transportation takes place between a point near Falfurrias, Jim Wells County, Texas where the gas is delivered to Transco by South Texas Natural Gas Gathering Company (South Texas),[1] and a point near Anderson, South Carolina. Transco charges an initial transportation rate of 22 cents per Mcf delivered to Owens-Corning and retains 3% of the transportation volumes as compensation for compressor fuel and line loss.

Pursuant to an agreement between Transco and Owens-Corning dated December 22, 1975, Transco requests that for the limited period ending April 30, 1976, the maximum volumes of 600 Mcf per day which Transco is presently authorized to transport and deliver to the Anderson plant be reduced to 450 Mcf per day and Transco be authorized to deliver the balance of 150 Mcf per day to Texas Eastern Transmission Corporation (Texas Eastern) for further transportation and ultimate delivery to Owens-Corning for high priority use at its Huntingdon, Pennsylvania plant. Texas Eastern will transport the gas for delivery to Owens-Corning's local supplier, Penn Fuel Gas Company, Inc. (Penn Fuel), pursuant to an application for certificate of public convenience and necessity which Texas Eastern filed concurrently in Docket No. CP76-228. Transco will charge Owens-Corning an initial transportation rate of 8 cents per Mcf[2] delivered to Texas Eastern for the account of Owens-Corning, and will retain 1% of the transportation volumes as compensation for compressor fuel and line loss.

Transco requests that pending issuance of permanent authorization, the Commission issue it a temporary certificate of public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties of the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4398 Filed 2-13-76;8:45 am]

[1] Transportation and delivery of the gas to Trancsco by South Texas was also authorized in the aforementioned order issued November 11, 1975, in South Texas' Docket No. CP76-30.

[2] Based upon a charge of 2 cents per Mcf per hundred miles of haul, which approximates Transco's average transportation cost in the onshore gathering area and which has been utilized by Transco in similar transportation for others.

[Docket No. E-7172]

U.S. DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Order Extending the Confirmation and Approval of Rate Schedules

FEBRUARY 9, 1976.

Pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 890), The Secretary of the Interior filed a request on December 2, 1975, on behalf of Southwestern Power Administration (SWPA) in which he asked the Commission to extend for a maximum period of six months, to May 31, 1976, its confirmation and approval of the following system rate schedules and contractual rates and charges:

SYSTEM RATE SCHEDULES

F-1, firm power.
P-2 (Revised), peaking power.
EE, excess energy.
IC, interruptible capacity.

CONTRACTUAL RATES AND CHARGES

Contract No. Ispa-356, with Oklahoma Gas and Electric Co. and Public Service Co. of Oklahoma (Oklahoma Companies.

Contract No. 14-02-001-864 with Tex-La Electric Cooperative Inc. (Tex-La)

By order issued November 30, 1971, the Commission confirmed and approved all the system rate schedules listed above and the rates and charges set forth in

Contract No. Ispa 356 (Oklahoma Companies). By order issued February 20, 1973, the Commission confirmed and approved the rates and charges set forth in Contract No. 14–02–011–864 (Tex-La). In both of the above orders, the rates and charges were approved for a period ending not later than May 31, 1974. By order issued May 31, 1974, the Commission extended its approval of the rates and charges for a period ending not later than May 31, 1975. By order issued July 3, 1975, the Commission extended its approval of the same rates and charges for a period ending not later than November 30, 1975.

For a number of years the Commission, in its orders approving rate schedules and contractual rates and charges applicable to power sales by SWPA has expressed concern over SWPA's failure to meet scheduled repayment requirements and has encouraged SWPA to modify existing contract provisions or make substitute marketing arrangements. Orders issued in Docket No. E–7172 under dates of February 15, 1965, August 15, 1968, and May 28, 1970, discuss these matters in some detail.

SWPA has taken actions along the lines suggested by the Commission. It has modified its contractual arrangements with Western Farmers Electric Cooperative, Texas Power and Light Company, and Brazos Electric Power Cooperative, Inc., and has increased its charges to Associated Electric Cooperative, Inc., to the Oklahoma Companies, and to the purchasers of power from the isolated Narrows and Sam Rayburn hydroelectric projects. All of these changes have been approved by the Commission. However, several of the actions have been challenged in the courts.

SWPA currently markets the power and energy generated at 21 hydroelectric plants constructed and operated by the Corps of Engineers. The total installed capacity of the 21 plants is presently 1,916,700 kilowatts having an annual generation of 5.22 billion kilowatt-hours.

CURRENT RATES AND CHARGES

The rates and charges currently in effect and for which Interior requests extension of the Commission's approval are:

Rate Schedule F–1 for sale of firm power service to wholesale customers. The monthly demand charge is $1.60 per kilowatt, but a discount of $0.40 is given if service is taken from SWPA's high voltage grid. The monthly energy charge is 2.0 mills per kilowatt-hour for the first 150 kilowatt-hours per kilowatt, 3.0 mills for the next 290 kilowatt hours per kilowatt, and 5.0 mills per kilowatt-hour for all in excess of 440 kilowatt-hours per kilowatt of billing demand.

Rate Schedule P–2 (Revised) for sale of peaking power at a monthly rate of $1.20 per kilowatt for capacity plus 2.0 mills per kilowatt-hour for energy, when service is taken from SWPA's high voltage grid. Where transmission service is provided beyond SWPA's high voltage grid and SWPA incurs additional costs therefor, the customer is required to pay an additional Transmission Service Charge equal to the cost to SWPA of providing such service.

Rate Schedule IC for sale of interruptible capacity at 4.5 cents per kilowatt per day with accompanying energy at 2.0 mills per kilowatt-hour.

Rate Schedule EE for sale of excess energy at 1.5 mills per kilowatt-hour.

Contract No. Ispa–356 for wholesale sales of peaking power made to the Oklahoma Companies at a monthly capacity charge of $1.20 per kilowatt and an energy charge of a 3.4 mills per kilowatt-hour.

Contract No. 14–02–001–864 for sale to Tex-La of 15,000 kilowatts of capacity and associated firm energy made at a monthly capacity charge of $1.60 per kilowatt of billing demand and energy charges of 2.0 mills per kilowatt-hour for the first 150 kilowatt-hour per kilowatt per month of billing demand 3.0 mills per kilowatt-hour for the next 290 kilowatt-hours per kilowatt, and 5.0 mills per kilowatt-hour for energy in excess of 440 kilowatt-hours per kilowatt per month of billing demand.

STATUS OF REPAYMENT

The latest rate and repayment study submitted by SWPA is that dated February 1971, which was submitted in support of the proposed rate schedules and contractual rates that the Commission approved in its order issued November 30, 1971, in this docket. That study indicated that at the end of fiscal year 1970, SWPA had accumulated unpaid interest charges of $27,940,754, in addition to not having amortized any of the $476,812,482 accumulated investment in power facilities. With the changes in marketing arrangements and increases in rates which had been made, it was anticipated that SWPA's financial condition should show improvement.

In the filing of December 2, 1975, Interior stated:

> The Commission was advised in our letter dated April 3, 1975, requesting a six-month extension to November 30, 1975, that Federal court decisions concerning previous FPC approved rate increases involving approximately $3,700,000 in annual revenue were pending and that in the event any one of these cases was decided within the six-month extension period, the repayment studies would be adjusted accordingly.
>
> The Supreme Court denied the Associated Electric Cooperative's petition for certiorari on October 6, 1975, and the case will now be heard by the District Court on a narrow issue of fact. This favorable development, involving approximately $2,600,000 per year, has a major impact on SPA's revenues, and SPA's repayment study is being revised.
>
> Studies completed by SPA in anticipation of the expiration of the Commission's confirmation and approval of SPA's rate schedules, disclose that revenues derived under these rate schedules will not be adequate to fulfill SPA's repayment obligation during the payout period as required under Section 5 of the Flood Control Act of 1944.
>
> The extension requested will provide time during which SPA will make the necessary revisions to its rate and repayment study, and conduct hearings on the rate and repayment study prepared in support of the proposed rates.

Public notice of SWPA's request was issued December 17, 1975, and was published in the Federal Register on January 2, 1976, (41 FR 31). A Petition to Intervene and Protest was filed by the Oklahoma Companies. The Companies stated that the Commission should defer any action on Interior's request for the extension of approval of rates and charges until a final judgment has been rendered by the United States Court of Claims in pending litigation and in connection with any appeal that may be taken therefrom. The Companies further state that the petition and protest is filed to protect the Companies' interests and to avoid any prejudice to their position in the litigation pending in the United States Court of Claims, which might arise from a failure to respond to the Commission's Notice of December 17, 1975.

This petition is similar to that filed by the Companies in this proceeding on May 15, 1974, and was denied by the Commission in its order of May 31, 1974, extending approval of the system rates and charges for the period ending not later than May 31, 1975.

The Commission finds: The extension of its confirmation and approval of SWPA's above-listed System Rate Schedules, and Contractual Rates and Charges as hereafter provided, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders: The extension of its confirmation and approval of SWPA's above-listed system and contractual rates and charges for the period ending not later than May 31, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–4399 Filed 2–13–76;8:45 am]

[Docket No. ER76–303]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order Granting Timely Petitions To Intervene and Denying Motion for Five-Month Suspension

FEBRUARY 9, 1976.

On November 28, 1975, Wisconsin Electric Power Company and its wholly-owned subsidiary, Wisconsin Michigan Power Company (jointly, "the Companies") tendered for filing a proposed rate increase for their twenty wholesale customers. The Companies requested that the proposed rates be allowed to go into effect on January 1, 1976. By order issued December 31, 1975, we, inter alia, accepted for filing and suspended for two months the proposed rate increase.

Notice of the Companies' filing was issued on December 12, 1975, with protests or petitions to intervene due on or before December 23, 1975. On December 18, 1975, a timely petition to intervene was filed jointly by the cities and villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc and Waterloo, Wis-

consin; Oconto Electric Coopreative, Alger Delta Cooperative Electric Association and Ontonagon County Rural Electrification Association ("Joint Petitioners"). A timely petition to intervene was also filed by the Upper Peninsula Power Company on December 23, 1975.

Having reviewed the petitions of the Joint Petitioners and the Upper Peninsula Power Company, we conclude that both the Joint Petitioners and the Upper Peninsula Power Company have an interest in this proceeding which is sufficient to warrant their intervention herein.

In our December 31, 1975, order in this docket, we accepted the Companies proposed tariff sheets for filing and suspended them for two months. In their petition to intervene, the Joint Petitioners allege that the proposed rates, inter alia, are excessive, impose an improper "price squeeze" on wholesale buyers, may reflect anticompetitive practices, may violate the *Mobile-Sierra* doctrine,[1] and are otherwise unreasonable, improper, and unlikely to be sustained. In view of their allegations, the Joint Petitioners request that the Companies' proposed rate increase be suspended for the maximum period of five months.

Our decision to suspend the proposed rates for two months was based on our review of the Companies' filing and the testimony and exhibits tendered in support thereof. Based on such a review, we exercised our independent judgment in light of our expertise in this area and concluded that a two month suspension was sufficient to protect the public interest and the interest of any customers in this proceeding. Upon further review, we reaffirm our prior order and conclude that the two month suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1352 (1971).

With regard to the Joint Petitioners' allegations that the proposed rates will perpetuate and magnify a "price squeeze", we note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction.[2] We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in *Conway Corporation* v. *F.P.C.*, 510 F. 2d 1264 (1975). The Court in Conway, however, stayed its mandate pending appeal by the Commission and, our petition for writ of certiorari was granted by the Supreme Court.[3]

We shall, also, limit this proceeding so as to exclude consideration of the *Mobile-Sierra* issue. This issue was decided by us in our April 19, 1974, order in Docket No. E-8619, regarding a previous application for a rate increase by the Companies.[4] We stated, "Our review of the Companies' [Wisconsin Electric Power Company and Wisconsin Michigan Power Company contracts with [their] jurisdictional customers indicates that they all provide for unilateral rate increase filings by [the] companies with the Federal Power Commission as provided in the *Memphis*[5] case."

The Commission finds: (1) It is desirable and in the public interest to permit the Joint Petitioners and the Upper Peninsula Power Company to intervene in the above referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

(2) Good cause exists to deny the Joint Petitioners' motion that the proposed rate increase tendered for filing by the Companies on November 28, 1975, be suspended for five months.

(3) Good cause exists to exclude "price squeeze" issues from the proceedings in this docket.

(4) Good cause exists to exclude *Mobile-Sierra* issues from the proceedings in this docket.

The Commission orders: (A) The Joint Petitioners and the Upper Peninsula Power Company are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Joint Petitioners' motion that the proposed rate increase tendered for filing by the Companies on November 28, 1975, be suspended for five months is hereby denied.

(D) "Price squeeze" issues are hereby excluded from the proceedings in this docket.

(E) *Mobile-Sierra* issues are hereby excluded from the proceedings in this docket.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-4406 Filed 2-13-76;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO. (MINNESOTA)

Postponement of Hearing Date

FEBRUARY 9, 1976.

On February 5, 1976, Municipal Intervenors filed a motion to postpone the hearing date fixed by order issued December 31, 1974, as most recently modified by notice issued December 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed from February 17, 1976 to February 19, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-4526 Filed 2-13-76;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES-SUB-TASK FORCE II-METHANE IN COAL

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources-Sub-Task Force II Methane in Coal of March 8, 1976, which was published in the FEDERAL REGISTER January 26, 1976, 41 FR 3780.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-4525 Filed 2-13-76;8:45 am]

[Docket No. ER76-497]

UPPER PENINSULA POWER CO.

Interconnection Agreement

FEBRUARY 9, 1976.

Take notice that on January 30, 1976, Upper Peninsula Power Company (UPPCO) tendered for filing an Interconnection Agreement dated March 7, 1973 between itself and the City of Marquette, Michigan, Board of Light and Power (Marquette). That Interconnection Agreement provides for the establishment of a 69 kv interconnection and for the interchange of emergency, econ-

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[1] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] See, e.g., *Arkansas Power and Light Company*, Docket No. ER76-110, order issued November 14, 1975, *Virginia Electric and Power Company*, Docket No. E-9147, order issued January 22, 1975, *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974, *Wisconsin Public Service Corporation*, Docket No. E-8867, order issued August 23, 1974, and *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974.

[3] *FPC* v. *Conway Corp.*, —— U.S. ——, 44 U.S.L.W. 3270 (1975).

[4] *Wisconsin Electric Power Company; Wisconsin Michigan Power Company*, Docket No. E-8619, issued April 19, 1974.

[5] *United Gas Pipe Line Co.* v. *Memphis Light, Gas and Water Division, et al.*, 350 U.S. 103 (1959).

omy, and diversity services between UPPCO and Marquette, UPPCO has proposed that the Interconnection Agreement become effective on March 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 February 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4524 Filed 2-13-76;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION HOUSING GUARANTY PROGRAM

Information for Investors

The Agency for International Development (AID) has advised the Central American Bank for Economic Integration (the "Borrower") that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $11 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Central America.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Rafael Chavarria P., Chief, Housing Finance Department, Central American Bank for Economic Integration, Apartado Postal No. 772, Tegucigalpa, D.C., Honduras, C.A.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full not later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated: February 2, 1976.

PETER M. KIMM,
Director, Office Housing, Agency for International Development.

[FR Doc.76-4387 Filed 2-13-76;8:45 am]

FRIENDS OF THE UNITED STATES OF LATIN AMERICA

Voluntary Termination of Registration

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to Section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that registration with the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development has been voluntarily terminated by the following agency:

Friends of the United States of Latin America, 4201 Cathedral Avenue, N.W., Washington, D.C. 20016.

Dated: February 4, 1976.

HENRY S. HENDLER,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-4388 Filed 2-13-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN SCREWS FROM ITALY

Preliminary Countervailing Duty Determination

On September 16, 1975, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (40 FR 42760). The Notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of iron or steel cap screws, ¼" in diameter and over, constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47 (c)), it has been determined preliminarily that benefits have been paid or bestowed, directly or indirectly, by reason of certain tax rebates under Italian Law, 639. The program involves the rebate of both basic rate and specific incidence taxes to manufacturers and exporters of certain steel products, including cap screws. The basic rate taxes which are rebated include Customs duties and border fees related to importations of plant and equipment, various stamp taxes, mortgage taxes, publicity taxes, surtaxes, taxes on governmental licenses and prints, and registration taxes. The specific incidence taxes which are rebated include Customs duties paid on imported raw materials, and manufacturing and excise taxes.

Certain portions of the Italian Law 639 rebates, which are the subject of this investigation, have been determined in previous proceedings under the Act to constitute bounties or grants within the meaning of the Act.

Accordingly, it has been determined preliminarily that imports of iron or steel cap screws, ¼" in diameter and over, from Italy benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Act by reason of certain benefits conferred under the tax rebate program mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than March 18, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

FEBRUARY 11, 1976.

[FR Doc.76-4463 Filed 2-13-76;8:45 am]

[T.D. 76-45]

FISH

Tariff Rate Quota

FEBRUARY 9, 1976.

The tariff-rate quota for the calendar year 1976, on certain fish dutiable under item 110.50, Tariff Schedules of the United States.

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock,

hake, pollock, and rosefish, in the three years preceding 1976, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 240,993,150 pounds. The quantity of fish that may be imported for consumption during the calendar year 1976 at the reduced rate of duty under item 110.50 is, therefore, 36,148,973 pounds.

G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc.76-4488 Filed 2-13-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ROSEBURG DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Roseburg District Multiple Use Advisory Board will meet at 9:00 a.m., on March 17, 1976, at the Roseburg District Office, 777 N.W. Garden Valley Boulevard, Roseburg, Oregon.

The agenda will include a review of the transition quarter of the timber sale plan, oil and gas leasing environmental analysis, Board discussion of the draft environmental impact statement on the proposed North Upqua Canyon Management Plan, and status reports of major district programs.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make oral statements must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. They should be sent to Chairman, District Advisory Board, in care of the District Manager, Bureau of Land Management, 777 N.W. Garden Valley Boulevard, Roseburg, Oregon 97470.

GEORGE C. FRANCIS,
Roseburg District Manager.

FEBRUARY 6, 1976.

[FR Doc.76-4427 Filed 2-13-76;8:45 am]

National Park Service

[Order No. 4]

CHIEF, BRANCH OF CONSTRUCTION CONTRACTS CONTRACT ADMINISTRATION DIVISION, ET. AL.

Delegation of Authority

Section 1. The Chief, Branch of Construction Contracts, Contract Administration Division, Denver Service Center, is authorized to approve, enter into, modify, administer, and terminate contracts for utilities and construction contracts not in excess of $500,000 in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 2. The Assistant Chief, Branch of Construction Contracts, Contract Administration Division, Denver Service Center, is authorized to approve, enter into, modify, administer, and terminate contracts for utilities and construction contracts not in excess of $500,000 in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 3. Revocation, this Order supersedes DSC Order No. 3, published 39-FR-41283.

(NPS Order No. 84 (39-FR-13904) as amended, and DSC Order No. 1 (39-FR-28301))

Dated: January 5, 1976.

L. P. MEYER,
Acting Chief, Contract Administration Division, Denver Service Center.

[FR Doc. 76-4460 Filed 2-13-76;8:45 am]

[Order No. 2]

ADMINISTRATIVE OFFICER, PROCUREMENT AGENT, GENERAL SUPPLY SPECIALIST, PURCHASING AGENT AND ADMINISTRATIVE CLERKS

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment and Services

1. ADMINISTRATIVE OFFICER. The Administrative Officer, Gateway National Recreation Area, may execute, approve and administer contracts not in excess of $50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of Gateway National Recreation Area.

2. PROCUREMENT AGENT. The Procurement Agent, Gateway National Recreation Area, may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Procurement Agent in behalf of any unit under the administration of Gateway National Recreation Area.

3. GENERAL SUPPLY SPECIALIST. The General Supply Specialist, Gateway National Recreation Area, may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Specialist in behalf of any unit under the administration of Gateway National Recreation Area.

4. PURCHASING AGENT. The Purchasing Agent, Gateway National Recreation Area, may execute, approve and administer Purchase Orders not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of funds. The authority may be exercised by the Purchasing Agent in behalf of any unit under the administration of Gateway National Recreation Area.

5. UNIT ADMINISTRATIVE CLERKS. The Administrative Clerks of the Units of Breezy Point, Jamaica Bay, Sandy Hook, and Staten Island may execute, approve and administer Purchase Orders not in excess of $300.00 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of funds. This authority may be exercised by the Administrative Clerks in behalf of their respective units to which they are assigned at Gateway National Recreation Area.

6. This Order supersedes Order No. 1 dated 2-6-74 (39 FR 12046). (National Park Service Order No. 77 (38 FR 7478) as amended: North Atlantic Region Order No. 1 (39 FR 3695).)

Dated: November 24, 1975.

JOSEPH ANTOSCA,
Superintendent, Gateway National Recreation Area.

[FR Doc.76-4458 Filed 2-13-76;8:45 am]

GRAND CANYON NATIONAL PARK, ARIZONA

Notice of Intent To Hold Public Workshops for the Development of a Colorado River Management Plan

Notice is hereby given that the National Park Service will hold six public workshops in four Western States during March, 1976, to provide for public involvement in the initial phase of developing a Colorado River Management Plan for Grand Canyon National Park.

The six workshops, each of which will be conducted from 7 to 10 p.m., will be held in the following locations:

March 15, 1976—Student Lounge, Student Union Building, Glendale Community College 600 West Olive, Phoenix, Airzona.

March 16, 1976—Cafeteria, Los Angeles Water and Power Building, 111 North Hope Street, Los Angeles, California.

March 18, 1976—Second Floor Conference Room, Headquarters, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California.

March 23, 1976—Auditorium, State Office Building, Salt Lake City, Utah.

March 24, 1976—Denver Foothills Ramada Inn, 11595 West 6th Avenue, Lakewood, Colorado.

March 29, 1976—Community Building, South Rim, Grand Canyon Village, Arizona.

Prior to and concurrent with these public workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these meetings and consultations is to provide for extensive public involvement, including comments from individuals and organizations in the formulation of options for the River Management Plan prior to preparing a draft Colorado River Management Plan to be made available for public review and comment in 1977.

Anyone wanting additional information on the public workshops, the National Park Service planning process, or wishing to submit option comments on the River Management Plan may write

to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon National Park, Arizona 86023.

Dated: February 5, 1976.

BERT ROBERTS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.76-4550 Filed 2-13-76;8:45 am]

NORTH ATLANTIC REGION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the North Atlantic Regional Advisory Committee will be held at 9:00 a.m., EST on March 4, 1976 through approximately 4:00 p.m. on March 5, 1976, at the Providence Preservation Society Building, Providence, Rhode Island.

The purpose of the Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the North Atlantic Region.

The members of the Committee are as follows:

Mr. John N. Cole, Brunswick, Maine.
Ms. Antoinette F. Downing, Providence, Rhode Island.
Ms. Arthur Fenske, Green Village, New Jersey.
Dr. Charles H. W. Foster, Needham, Massachusetts.
Mr. George T. Hamilton, Dover, New Hampshire.
Mr. John P. Keith, Hartsdale, New York.
Mr. Frederick R. Micha, Ontario, New York.
Mr. William A. Niering, Gales Ferry, Connecticut.
Mr. William B. Pinney, Charlotte, Vermont.

The purpose of this meeting is as follows:

1. Briefing on current activities in the North Atlantic Region.
2. Prepare report on Urban Park and Recreation discussion.
3. Prepare Committee report of the Acadia National Park visit.
4. Receive and discuss subcommittee report of Fire Island National Seashore visit.
5. Discussion of National Park Service planning procedure and public participation policy.

The meeting will start with a tour of Providence Historic District and Roger Williams National Memorial Park beginning at the Whalen Manor Hotel, 500 Angell Street, Providence, Rhode Island at 9:00 a.m., March 4 and returning to the hotel at approximately 12:00 noon. There will be some extra seats on the chartered bus that will be available to the public on a first come basis, others are welcome to accompany the tour in their own transportation.

The formal meeting will begin at approximately 2:00 p.m., March 4, 1976, in the second floor meeting room, Providence Preservation Society Building, 24 Meeting Street, Providence, Rhode Island. The meeting will be open to the public. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John C. Raftery, Associate Regional Director, North Atlantic Regional Office at 617-223-3763. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: February 12, 1976.

IRA WHITLOCK,
Acting Associate Director, Legislation, National Park Service.

[FR Doc.76-4654 Filed 2-13-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 1, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments should be submitted by March 18, 1976.

REX L. WILSON,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Dallas County

Selma, *U.S. Post Office Building*, 908 Alabama Ave.

Etowah County

Gadsden, *U.S. Post Office*, 600 Broad St.

Jefferson County

Birmingham, *U.S. Post Office*, 1800 5th Ave., N.

Russell County

Phenix City, *Fort No. 5*, Opelika Highway at jct. of U.S. 80/431.

ARIZONA

Yavapai County

Walker, *Walker Charcoal Kiln*, Prescott National Forest.

Yuma County

Yuma, *Southern Pacific Railroad Depot*, Gila St.

ARKANSAS

Benton County

Siloam Springs, *Sager, Simon, Cabin*, John Brown University campus.

Calhoun County

Hampton vicinity, *Dunn House*, W of Hampton on AR 4.

Conway County

Morrilton, *Aycock House*, 410 W. Church.

Crawford County

Van Buren, *Burns, Bob, House*, 821 Jefferson.
Van Buren, *Dunham, Joseph Starr, House*, 418 Broadway.

Franklin County

Altus vicinity, *Our Lady of Perpetual Help Church (St. Marys Church)*, N of Altus off U.S. 64.
Altus vicinity, *Wiederkehr Wine Cellar*, N of Altus off U.S. 64.

Garland County

Hot Spring, *Short-Dodson House*, 755 Park Ave.
Hot Springs, *Stitt House*, 824 Park Ave.

Hempstead County

Hope, *McRae, K. G., House*, 3rd and Edgewood Sts.
Hope, *St. Mark's Episcopal Church*, 3rd and Elm Sts.

Hot Spring County

Social Hill vicinity, *Blakely House*, W of Social Hill on AR 84.

Howard County

Center Point vicinity, *Boyd, Adam, House*, E of Center Point on AR 26.
Center Point vicinity, *Ebenezer Camp Ground*, NNW of Center Point off AR 4.
Center Point vicinity, *Russey House*, S of Center Point on AR 4.
Nashville, *First Presbyterian Church*, 2nd and Hempstead.

Independence County

Newark, *Dearing House*, AR 122.

Lonoke County

Scott vicinity, *Ashley-Alexander House*, N of Scott.

Monroe County

Blackton vicinity, *Palmer House*, 4 mi. SE of Blackton off U.S. 49.
Indian Bay, *Baytown Site*, off AR 1/17.

Ouachita County

Camden vicinity, *Oakland Farm (Tate House)*, S of Camden at Tate and Oakland Sts.

Pike County

Daisy vicinity, *O'Neel-Blackburn House*, W of Daisy on U.S. 70.

Poinsett County

Harrisburg, *Modern News Building*, 216 N. Main.

Pulaski County

Little Rock, *Gazette Building*, 112 W. 3rd St.
Little Rock, *George, Alexander, House*, 1007 E. 2nd St.
Little Rock, *Main Building, Arkansas Baptist College*, 1600 High St.
Little Rock, *Old State House Square Historic District*, roughly bounded by Oak St., Washington and Arkansas Aves., and Olive St. in N. Little Rock; Bridge St. line, Main, E. 2nd, and Arch Sts. in Little Rock.
Little Rock, *Vinson House*, 2123 Broadway.
North Little Rock, *St. Joseph's Home*, Camp Robinson Rd.

Searcy County

St. Joe vicinity, *Calf Creek Mouth Site*, S of St. Joe.

Washington County

Prairie Grove vicinity, *Tilley, John, House*, W of Prairie Grove on Rhea's Mill Rd.

CALIFORNIA

Humboldt County

Petrolia vicinity, *Punta Gorda Light Station*, 10.5 mi. SW of Petrolia.

Placer County

Penryn, *Griffith Quarry*, Taylor Rd.

San Luis Obispo County

Atascadero, *Administration Building, Atascadero Colony*, 6500 Palma Ave.

COLORADO

Grand County

Grand Lake vicinity, *Rhone, Henry W., Homestead Cabin*, N of Grand Lake off Trail Ridge Rd.

CONNECTICUT

Litchfield County

Milton, *Trinity Church*, Milton Rd.

New London County

North Stonington vicinity, *Miner, Samuel, House*, N of North Stonington off CT 2 Hewitt Rd.

DELAWARE

Kent County

Sandtown vicinity, *Cow Marsh Old School Baptist Church*, NE of Sandtown on DE 10.
Sandtown vicinity, *Dill Farm Site*, E of Sandtown.

New Castle County

Odessa vicinity, *Hell Island Site*, S of Odessa.
Wilmington vicinity, *Beaver Valley Rock Shelter Site*, N of Wilmington.

Sussex County

Bethany Beach vicinity, *Poplar Thicket Site*, W of Bethany Beach.
Clarksville vicinity, *Blackwater Presbyterian Church*, W of Clarksville on DE 26.
Lewes vicinity, *Hells Neck*, W of Lewes.
Lewes vicinity, *Townsend Site*, 2.5 mi. SW of Lewes off DE 14.
Milford vicinity, *Mispillion Site*, E of Milford.
Milton vicinity, *Slaughter Creek Sites*, E of Milton.
Rehoboth Beach vicinity, *Thompsons Island Site*, S of Rehoboth Beach.
Rehoboth Beach vicinity, *Warrington Site*, W of Rehoboth Beach.

FLORIDA

Marion County

Salt Springs vicinity, *Pats Island Community Site*, 10 mi. S of Salt Springs on Ocala National Forest.

GEORGIA

Baldwin County

Milledgeville vicinity, *Shinholser-Medlin Mound Site*, SE of Milledgeville.

Camden County

St. Marys, *St. Marys Historic District*, roughly bounded by Norris, Oak Grove Cemetery, Waterfront Rd., and Alexander.

Fulton County

Atlanta, *Atlanta and West Point Railroad Freight Depot*, 215 Decatur St.
Atlanta, *English-American Building*, 74 Peachtree St.
Atlanta, *Techwood Homes Historic District*, roughly bounded by North Ave., Parker, Williams, and Lovejoy Sts.
Fairburn, *Campbell County Courthouse*, E. Broad and Cole Sts.

Troup County

West Point vicinity, *Long Cane Historic District*, N of West Point on U.S. 29.

Walker County

Chickamauga, *Gordon-Lee House*, 217 Cove Rd.

Ware County

Waycross, *Waycross Historic District*, roughly bounded by Plant Ave., Williams, Lee, Chandler, and Stephens Sts.

HAWAII

Honolulu County

Honolulu, *Katsuki House*, 1326 Keeaumoku St.

IDAHO

Bear Lake County

St. Charles, *Nelson, Wilhelmina, House and Cabins*, U.S. 89.

Canyon County

Nampa, *Farmers and Merchants Bank*, 101 11th Ave. S.

Washington County

Weiser, *Knights of Pythias Lodge Hall*, 30 E. Idaho St.

ILLINOIS

Cook County

Chicago, *Lakeside Press Building*, 731 S. Plymouth Court.
Chicago, *McCarthy Building*, NE corner Washington and Dearborn Sts.
Chicago, *Ridge Historic District*, irregular pattern roughly bounded by 87th, RR tracks, Prospect, Homewood, 115th, Lothair, Hamilton, and Western Ave.

Jackson County

Ava vicinity, *Cleiman Mound and Village Site*, S of Ava off IL 151.

Kane County

St. Charles vicinity, *Durant House*, NW of St. Charles off Dean St.

LaSalle County

Streator, *Williams, Silas, House*, 702 E. Broadway.

Macoupin County

Carlinville, *Carlinville Historic District*, roughly bounded by Oak, Morgan, Mulberry, and city limits.

Menard County

Petersburg, *Petersburg Historic District*, irregular pattern roughly bounded by Stephenson, RR. tracks, 4th, and Oakland Cemetery.

Rock Island County

Hampton, *Black's Store*, 1st Ave.

INDIANA

LaPorte County

LaPorte vicinity, *Pinehurst Hall*, 3042 N. U.S. 35, NW of LaPorte.

KENTUCKY

Campbell County

Newport, *Bellevue (Gen. James Taylor House)*, 335 E. 3rd St.

Carroll County

Carrollton, *Butler, Gen. William O., House*, Highland Ave.

Fayette County

Lexington, *Western Suburb Historic District*, irregular pattern roughly bounded by Newtown, Georgetown, Main, Todd, and Saunier Sts.

Lincoln County

Shelby City vicinity, *Arcadia*, S of Shelby City off KY 127.
Shelby City vicinity, *Traveler's Rest (Gov. Isaac Shelby Plantation)*, S of Shelby City off KY 300.

Nelson County

Bardstown, *St. Joseph Cathedral and College Historic District*, bounded by W. Stephen Foster Ave., Xavier Dr., and N. 5th St.
Bardstown vicinity, *St. Thomas Roman Catholic Church/Howard-Flaget House*, 3 mi. S of Bardstown off U.S. 31E.

Woodford County

Versailles vicinity, *Edgewood (DuPuy-Jones House)*, 1 mi. E of Versailles on U.S. 60.

MARYLAND

Kent County

Kennedyville vicinity, *Knocks Folly*, N of Kennedyville on MD 448.
Still Pond vicinity, *Shepherd's Delight*, S of Still Pond on MD 292.

St. Marys County

Oakley vicinity, *River View*, SE of Oakley off MD 470 on Burch Rd.
Piney Point, *Piney Point Coast Guard Light Station*, MD 498.

MASSACHUSETTS

Barnstable County

Wellfleet vicinity, *Smith, Samuel, Tavern Site*, SW of Wellfleet on Great Island.

Berkshire County

Stockbridge, *Stockbridge Casino (Berkshire Playhouse)*, E. Main St. and Yale Hill Rd.

Essex County

Gloucester, *Tappan's Hotel (Puritan House)*, Main and Washington Sts.
North Andover, *Kunhardt, George, Estate (Campion Hall)*, 1518 Great Pond Rd.
Saugus, *Saugus Iron Works National Historic Site*, 244 Central St.

Middlesex County

Lowell, *Bowers, Jonathan, House*, 58 Wannalancit St.

Worcester County

Charlton vicinity, *Rider Tavern*, NE of Charlton off U.S. 90 on Stafford St.

MICHIGAN

Oakland County

Farmington, *Farmington Historic District* triangular shaped from jct. of Grand River and Shiawassee Sts., E to Warner.

MISSISSIPPI

Panola County

Sledge vicinity, *Beaver Dam Archeological Site*, E of Sledge.

NEVADA

Carson City (independent city)

Governor's Mansion, 606 Mountain St.
Raycraft Ranch, N of Carson City on U.S. 395.

Humboldt County

Paradise Valley vicinity, *Silver State Flour Mill*, 7 mi. E of Paradise Valley off NV 8B.

NEW JERSEY

Mercer County

Trenton, *Abbott, John II, House*, 2201 Kuser Rd.

Monmouth County

Allentown vicinity, *Walnford*, S of Allentown off CR 539.
Ocean Grove, *Ocean Grove Camp Meeting Association District*, bounded by Lake Wesley, Fletcher Lake, NJ 71, and the ocean.

Passaic County

Paterson, *Belle Vista (Lambert Castle)*, Valley Rd.

Somerset County

Martinsville vicinity, *Mt. Bethel Baptist Meetinghouse*, Mt. Bethel Rd. 2 mi. N of Martinsville off U.S. 78.

Union County

Mountainside, *Badgley House and Site*, off New Providence Rd.

NEW YORK

Rensselaer County

Troy, *River Street Historic District*, both sides of River St. from Congress St. to jct. with 1st St.

NORTH CAROLINA

Buncombe County

Asheville, *Arcade Building (Grove Arcade)*, Battery Park, Battle Square.

Chowan County

Edenton vicinity, *Mulberry Hill*, SE of Edenton on SR 1114.

Guilford County

Greensboro, *Jefferson Standard Building*, NW corner of Elm and Market Sts.

NORTH DAKOTA

Burleigh County

Bismarck, *U.S. Post Office and Courthouse*, 304 E. Broadway.

Grand Forks County

Grand Forks, *U.S. Post Office and Courthouse*, 102 N. 4th St.

OHIO

Adams County

West Union vicinity, *Treber Inn*, 5 mi. NE of West Union on OH 41.

Ashland County

Ashland, *Center Street Historic District*, both sides of Center St. from Vernon on the S to 414 Center St. on the N.
Hayesville, *Hayesville Opera House*, 1 E. Main St.

Crawford County

Crestline vicinity, *Heckler Farmhouse*, N of Crestline off OH 61 on Oldfield Rd.

Cuyahoga County

Valley View, *Frazee, Stephen, House*, 7733 Canal Rd.

Erie County

Sandusky vicinity, *Ohio Soldiers' and Sailors' Home*, S of Sandusky on U.S. 250.

Hamilton County

Cincinnati, *Bepler, August, House (Holly Ridge)*, 805 Tusculum Ave.
Cincinnati, *Spring Grove Cemetery*, 4521 Spring Grove Ave.

Huron County

Peru, *Macksville Tavern*, Peru Hollow Rd.

Lucas County

Toledo, *East Side Commercial Block*, 107–117 Main St.

Madison County

Plain City vicinity, *Cary Village Site*, SE of Plain City.

Mahoning County

Poland, *Kirtland, Jared P., House*, 113 W. McKinley Way.

Marion County

Marion, *Palace Theater*, 272 W. Center St.

Montgomery County

Centerville vicinity, *Kellog, Ethol, House*, W of Centerville off S.R. 725 on Yankee St.
Germantown, *Gunckel's Town Plan Historic District*, roughly bounded by Mulberry and Walnut Sts. and both sides of Warren and Market Sts.

Ottawa County

Port Clinton vicinity, *Mo-John, Betsy, Cabin*, about 4 mi. E of Port Clinton off OH 53.

Putnam County

Ottawa, *Ottawa Waterworks Building*, 1035 E. 3rd St.

Warren County

Morrow vicinity, *Stubbs Earthworks*, W of Morrow.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Old Heidelberg Apartments*, Braddock Ave. and Waverly St.
Pittsburgh, *Pennsylvania Railroad Station*, 1101 Liberty Ave.
Pittsburgh, *Snyder, William Penn, House*, 852 Ridge Ave.

Blair County

Hollidaysburg, *Blair County Courthouse*, 423 Allegheny St.

Chester County

Phoenixville vicinity, *Fagley House*, W of Phoenixville on Art School Rd.

SOUTH CAROLINA

Aiken County

Aiken, *Coker Springs*, Coker Spring Rd.

Allendale County

Allendale vicinity, *Gravel Hill Plantation*, SW of Allendale off U.S. 301.
Allendale vicinity, *Lawton House (Roselawn)*, 3 mi. SW of Allendale on SC 47.
Allendale vicinity, *Smyrna Baptist Church*, S of Allendale on SC 22.

Bemberg County

Bamberg, *Bamber, Gen. Francis Marion, House*, NW corner of N. Railroad Ave. and N. Carlisle St.

Calhoun County

Fort Motte vicinity, *Midway Plantation*, S of Fort Motte off U.S. 601.
St. Matthews vicinity, *Sterling Land Grant/Cherokee Path*, 5 mi. SE of St. Matthews on SC 6.

Greenville County

Greer vicinity, *Gilreath's Mill*, 4 mi. of Greer on SC 101.

Laurens County

Laurens vicinity, *Nickels-Milam House*, S of Laurens off U.S. 221.

SOUTH DAKOTA

Brown County

Aberdeen, *First United Methodist Church*, corner of S. Lincoln St. and SE 5th Ave.

Codington County

Watertown, *Carnegie Free Public Library*, 25 1st Ave. SE.

Gregory County

Dallas, *Dallas Carnegie Library*, N of U.S. 18.

Hughes County

Pierre, *South Dakota State Capitol and Governor's Residence*, Capitol Ave.

Lawrence County

Spearfish, *Episcopal Church of All Angels*, 129 W. Michigan.
Spearfish, *Lown, William Ernest, House*, 745 5th St.

Meade County

Sturgis, *Tallent, Annie, House*, 1603 Main St.
Sturgis, *Wenke, John G., House*, 1340 Junction Ave.

Minnehaha County

Sioux Falls, *Bowen, Marion E., House*, 840 W. 9th St.
Sioux Falls, *Coughran, Edward, House*, 1203 S. 1st Ave.
Sioux Falls, *Grand Lodge and Library of the Ancient Free and Accepted Masons*, 415 S. Main Ave.

Yankton County

Yankton, *Ohlman-Shannon House*, 205 Green St.

TENNESSEE

Washington County

Johnson City vicinity, *Hammer, Isaac, House*, N of Johnson City off U.S. 11.

TEXAS

Fayette County

LaGrange, *St. James Episcopal Church*, Monroe and Colorado Sts.

UTAH

Iron County

Paragonah vicinity, *Sand Cliffs Signatures*, 20 mi. NE of Paragonah in Fremont Canyon.

WASHINGTON

Clallam County

Sequim vicinity, *McAlmond House*, N of Sequim on Dungeness Bay.

Jefferson County

Port Townsend vicinity, *Fort Flagler*, SE of Port Townsend on Marrowstone Island.

King County

Seattle, *Ballinger, Richard A., House*, 1733 39th Ave.
Seattle, *Stimson-Green House*, 1204 Minor Ave.
Seattle, *Triangle Hotel and Bar*, 551 1st Ave. S.
Seattle, *Volunteer Park*, bounded by 15th Ave. E., Federal Ave. E., E. Galer St. and E. Prospect St.

Kittitas County

Ellensburg vicinity, *Government Springs and The Pines*, about 16 mi. E of Ellensburg N of Whiskey Dick Mountain.

Pierce County

Steilacoom vicinity, *Fort Steilacoom*, E of Steilacoom on Steilacoom Blvd.
Tacoma, *Northern Pacific Office Building*, NE corner of 7th St. and Pacific Ave.

Skagit County

Concrete vicinity, *Baker River Bridge*, WA 20.

Snohomish County

Everett, *Monte Cristo Hotel*, 1507 Wall St.
Everett, *Swalwell Block and Adjoining Commercial Buildings*, 2901–2909 and 2915 Hewitt Ave.
Everett, *U.S. Post Office and Customshouse*, 3006 Colby Ave.
Marysville vicinity, *Indian Shaker Church*, N. Meridian Ave. W of Marysville.
Marysville vicinity, *St. Anne's Roman Catholic Church*, Mission Beach Rd. W of Marysville.
Marysville vicinity, *Tulalip Indian Agency Office*, 3901 Mission Beach Rd. Tulalip Reservation.

Spokane County

Medical Lake, *Hallett House*, E. 623 Lake St.
Spokane, *Finch House*, W. 2340 1st Ave.

[FR Doc.76-4067 Filed 2-13-76;8:45 am]

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE

Meeting

A public meeting on an environmental assessment of a master plan for William Howard Taft National Historic Site will be held on Saturday, March 13, 1976, at 2 p.m. (e.s.t.) at the William Howard Taft Elementary School at 270 Southern Avenue, Cincinnati, Ohio. Interested individuals, representatives of organizations and public officials are invited to express their views in person. Those not wishing to appear may submit written statements which should be filed with the Superintendent, William Howard Taft National Historic Site, 2038 Auburn Ave., Cincinnati, Ohio 45219, no later than April 12.

The assessment discusses the feasibility, environmental consequences and other aspects of the reasonable alternatives identified in preparation of the master plan.

The environmental assessment may be reviewed in the Midwest Regional Office of the National Park Service, 1709 Jackson Street, Omaha, Nebraska, or at the office of the Superintendent, William Howard Taft National Historic Site, 2038 Auburn Avenue, Cincinnati, Ohio 45219. A summary of the assessment may be obtained by writing the Superintendent.

Dated: January 23, 1976.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.76-4459 Filed 2-13-76;8:45 am]

Office of the Secretary

[INT FES 76-6]

PROPOSED BIG LAKE WILDERNESS AREA, ARKANSAS

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Big Lake Wilderness Area, Arkansas.

The proposal recommends that 1,818 acres of the Big Lake National Wildlife Refuge, located in Mississippi County, Arkansas be included in the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.
Refuge Manager, Big Lake National Wildlife Refuge, Box 67, Manila, Arkansas 72442.
U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th and C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: February 9, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-4425 Filed 2-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

UNION COUNTY GRAZING ADVISORY BOARD

Meeting

The Union County Grazing Advisory Board will meet Monday, April 12, 1976, at 7:30 p.m., at the Soil Conservation Service, 20 North Second Street, Clayton, New Mexico 88415.

The purpose of this meeting will be to discuss general problems or common matters of interest to the grazing permittees of the Kiowa National Grassland.

The meeting will be open to the public. Persons who wish to attend should notify District Ranger Alton R. Bryant via telephone, 374-9652, or in writing to Ranger Bryant, 16 North Second Street, Clayton, New Mexico 88415. Written statements may be filed with the committee before or after the meeting.

Dated: February 9, 1976.

WALLACE L. LLOYD,
Forest Supervisor.

[FR Doc.76-4374 Filed 2-13-76;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 5249]

CENTRAL ARKANSAS LIVESTOCK SALE, INC.

Notice of Complaint, Order of Suspension and Notice of Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on January 13, 1976, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective February 1, 1976. The proposed tariff reads as follows:

SECTION I: Selling commission:

All species of livestock:	
1st $2000 of each consignment pct..	4
All over $2000 of each consignment pct..	3
SECTION II: Yardage: All species per head..	$0.25

Notice is given hereby also that on January 30, 1976, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Central Arkansas Auction Sale, Inc., stockyard, Morrilton, Arkansas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On January 13, 1976, the respondent filed a tariff effective February 1, 1976, containing certain increases in the current rates and charges.

IV. A review of the proposed schedule of rates and charges and information furnished the Packers and Stockyards Administration by the respondent indicates that the proposed schedule of rates and charges, if implemented, would constitute a revenue increase of approximately 41 percent. From information available at this time to the Packers and Stockyards Administration, respondent's revenue under the proposed rates and charges for a 12-month period would exceed its reasonable requirement by 32 percent.

Therefore, there is reason to believe that the proposed schedule of rates and charges is unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in respondent's schedule of rates and charges as modified by the tariff filed on January 13, 1976, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of respondent, including those presently in effect, and of any rule, regulation, or practice affecting said rates and charges.

IT IS THEREFORE ORDERED that the operation and use by the respondent

of the modifications of the current schedule of rates and charges filed on January 13, 1976, to become effective February 1, 1976, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

IT IS FURTHER ORDERED that notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

IT IS FURTHER ORDERED that a copy hereof be served upon the respondent.

Done at Washington, D.C.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-4433 Filed 2-13-76;8:45 am]

[P. & S. Docket No. 5252]

ATKINS LIVESTOCK AUCTION

Notice of Complaint, Order of Suspension and Notice of Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on January 14, 1976, the respondent filed a proposed amendment to his current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective February 1, 1976.

The proposed tariff reads as follows:

SECTION I: Selling commission: Cattle, swine, sheep, and goats	4 percent of gross sale on first $2,000. 3 percent of gross on all over $2,000.
SECTION II: Pass outs, no Sales, and resales: All species and classes	No charge.
SECTION III: Yardage: All species and classes	$0.25 per head.

Notice is given hereby also that on January 30, 1976, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Atkins Livestock Auction, stockyard, Atkins, Arkansas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for his services at the aforementioned stockyard.

III. On January 14, 1976, the respondent filed a tariff effective February 1, 1976, containing certain increases in the current rates and charges.

IV. A review of the proposed schedule of rates and charges and information furnished the Packers and Stockyards Administration by the respondent indicates that the proposed schedule of rates and charges, if implemented, would constitute a revenue increase of approximately 35 percent. From information available at this time to the Packers and Stockyards Administration, respondent's revenue under the proposed rates and charges for a 12-month period would exceed his reasonable requirement by 38 percent.

Therefore, there is reason to believe that the proposed schedule of rates and charges is unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in respondent's schedule of rates and charges as modified by the tariff filed on January 14, 1976, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of respondent, including those presently in effect, and of any rule, regulation, or practice affecting said rates and charges.

IT IS THEREFORE ORDERED that the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on January 14, 1976, to become effective February 1, 1976, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

IT IS FURTHER ORDERED that notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

IT IS FURTHER ORDERED that a copy hereof be served upon the respondent.

Done at Washington, D.C.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-4430 Filed 2-13-76;8:45 am]

[P. & S. Docket No. 5251]

CLEBURNE COUNTY LIVESTOCK AUCTION SALE

Notice of Complaint, Order of Suspension and Notice of Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on January 15, 1976, the respondents filed a proposed amendment to their current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective February 1, 1976.

The proposed tariff reads as follows:

SECTION 1: Selling commission:	
All species of livestock:	
1st $2000 of each consignment ---------- pct--	4
All over $2000 of each consignment ---------- pct--	3
SECTION 2: Resales: No charge.	
SECTION 3: Pass outs: No charge.	
SECTION 4: Yardage: All species per head--	$0.25

Notice is given hereby also that on January 30, 1976, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondents' rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondents are now, and at all times mentioned herein were, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Cleburne County Livestock Auction Sale, stockyard, Heber Springs, Arkansas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondents have heretofore filed and presently have in effect a schedule of rates and charges for their services at the aforementioned stockyard.

III. On January 15, 1976, the respondents filed a tariff effective February 1, 1976, containing certain increases in the current rates and charges.

IV. A review of the proposed schedule of rates and charges and information furnished the Packers and Stockyards Administration by the respondents indicates that the proposed schedule of rates and charges, if implemented, would constitute a revenue increase of approximately 28 percent. From information available at this time to the Packers and Stockyards Administration, respondents' revenue under the proposed rates and charges for a 12-month period would exceed their reasonable requirement by 2 percent.

Threfore, there is reason to believe that the proposed schedule of rates and charges is unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in respondents' schedule of rates and charges as modified by the tariff filed on January 15, 1976, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of respondents, including those presently in effect, and of any rule, regulation, or practice affecting said rates and charges.

IT IS THEREFORE ORDERED that the operation and use by the respondents of the modifications of the current schedule of rates and charges filed on January 15, 1976, to become effective February 1, 1976, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

IT IS FURTHER ORDERED that notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before the Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

IT IS FURTHER ORDERED that a copy hereof be served upon the respondents.

Done at Washington, D.C.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-4431 Filed 2-13-76;8:45 am]

[P. & S. Docket No. 5250]

MAJOR LEWIS LIVESTOCK AUCTION SALES

Notice of Complaint, Order of Suspension and Notice of Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on January 13, 1976, the respondent filed a proposed amendment to his current schedule of rates and charges under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective February 1, 1976.

The proposed tariff reads as follows:

SECTION I: Selling commission: Cattle, swine, sheep, and goats.	4% of gross sale on first $2,000. 3% of grass sale on all over $2,000.
SECTION II: Pass outs, no sales, and resales: All species and classes.	No charge.
SECTION III: Yardage: All species and classes.	$0.25 per head.

Notice is given hereby also that on January 30, 1976, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Major Lewis Livestock Auction Sales, stockyard, Conway, Arkansas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in-effect a schedule of rates and charges for his services at the aforementioned stockyard.

III. On January 13, 1976, the respondent filed a tariff effective February 1, 1976, containing certain increases in the current rates and charges.

IV. A review of the proposed schedule of rates and charges and information furnished the Packers and Stockyards Administration by the respondent indicates that the proposed schedule of rates and charges, if implemented, would constitute a revenue increase of approximately 59 percent. From information available at this time to the Packers and Stockyards Administration, respondent's revenue for the 12-month period ending December 31, 1974, exceeded his reasonable requirement by 19 percent.

Therefore, there is reason to believe that the proposed schedule of rates and charges is unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in respondent's schedule of rates and charges as modified by the tariff filed on January 13, 1976, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of respondent including those presently in effect, and of any rule, regulation, or practice affecting said rates and charges.

IT IS THEREFORE ORDERED that the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on January 13, 1976, to become effective February 1, 1976, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

IT IS FURTHER ORDERED that notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before the Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

IT IS FURTHER ORDERED that a copy hereof be served upon the respondent.

Done at Washington, D.C.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-4432 Filed 2-13-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL AGENCY SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS' MEETING

Notice of Interagency Committee Meeting

The Federal Agency Scientific and Technical Information Managers Meeting will be held on March 17, 1976, from

9:30 a.m. to 12 noon in the Conference Room, 8th floor, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Blvd., Arlington, Virginia. This NSF-sponsored interagency committee provides a forum for interchange of information concerning common problems and coordination in the Federal scientific and technical information and communication areas. The agenda for the meeting will consist of discussions of several information R&D projects of DARPA and NSF.

The membership of this interagency committee is comprised solely of Federal employees and officers, and does not fall under the provisions of the Federal Advisory Committee Act (P.L. 92-463). However, to the extent that room is available in the Conference Room, members of the public are invited to attend this meeting. Any persons wishing to attend or requiring further information should contact Mr. Andrew A. Aines, Division of Science Information, Room 719-P, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5836.

Dated: February 11, 1976.

ANDREW A. AINES,
Senior Staff Associate, Division of Science Information.

[FR Doc.76-4515 Filed 2-13-76;8:45 am]

RESTRUCTURING THE UNDERGRADUATE LEARNING ENVIRONMENT (RULE) SUBPANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Restructuring the Undergraduate Learning Environment (RULE) Subpanel of the Advisory Panel for Science Education Projects.

Date: March 4 and 5, 1976.

Time: 9 a.m. each day.

Place: Dulles Marriott Hotel, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert F. Watson, Program Coordinator, RULE Program, Rm. W-456, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7751.

Purpose of subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the RULE Program for consideration.

Agenda: To review and evaluate specific science education proposals, projects or applications.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of § 10(d) of P.L. 92-463.

Dated: February 11, 1976.

GAIL A. MCHENRY,
Acting Committee Management Officer.

[FR Doc.76-4516 Filed 2-13-76;8:45 am]

ADVISORY PANEL FOR ECONOMICS

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Economics.

Date: March 5 and 6, 1976.

Time: 9 a.m. each day.

Place: Rm. 321, National Science Foundation, 1800 G St. NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. James H. Blackman, Program Director for Economics, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5986.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of P.L. 92-463.

Dated: February 11, 1976.

GAIL A. MCHENRY,
Acting Committee Management Officer.

[FR Doc.76-4517 Filed 2-13-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 9, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 8, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

The FTC requests an extension no change approval of the Quarterly Financial Report, MG (manufacturing, mining and wholesale trade) or TR (retail trade). This form requests profit data and balance sheet data quarterly from a sample of manufacturing, mining, retail trade, and wholesale trade corporations. The survey group consists of approximately 16,000 of all sizes. FTC estimates companies that have more than $1 million in total assets which consolidate all subsidiaries for their own reporting purposes but are precluded by FTC reporting rules from consolidating specific classes (e.g. foreign) of subsidiaries would require 3 to 5 hours per report. According to FTC all other companies would require one hour per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-4473 Filed 2-13-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL

Open Meeting

A meeting of the President's Export Council will be held from 9:30 AM to 12:30 PM on Thursday, March 18, 1976, in Conference Room 4832 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230.

The Export Council was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council on International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE), through the Secretary of Commerce, on export trade. The Council consists of 22 members who are all chief executive officers of major U.S. firms.

The purpose of this meeting will be to discuss the status of the Council's ongoing studies as well as other topics related to ways and means to increase U.S. export sales.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce,

Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Copies of minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting.

Dated: February 10, 1976.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

[FR Doc.76-4390 Filed 2-13-76;8:45 am]

NEW TECHNOLOGY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, March 24, 1976, at 8:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was established on July 15, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The New Technology Subcommittee was formed to determine the impact of advanced electronics on the design of numerically controlled systems.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

1. Opening remarks by the Subcommittee Chairman.

2. Presentation of papers or comments by the public.

3. Informal reports of resource persons designated at previous meeting.

EXECUTIVE SESSION

4. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item 4, the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 57817, appearing in the issue of December 12, 1975).

Dated February 10, 1976.

RAUER H. MEYER,
Director Office of Export Administration Bureau of East-West Trade U.S. Department of Commerce.

[FR Doc.76-4440 Filed 2-13-76;8:45 am]

MARITIME ADMINISTRATION

[Docket S-487]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has applied for permission to modify its Line B (Trade Route No. 10) Freight Service to include the carriage of outbound cargo from U.S. South Atlantic ports (South Carolina-Florida, inclusive) to ports on the North Coast of Africa.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by close of business on February 27, 1976 notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175) and with as much specificity as possible the facts that the intervenor would undertake to prove at such a hearing.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Date: February 11, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-4512 Filed 2-13-76;8:45 am]

[Docket No. S-488]

ATLANTIC RICHFIELD CO.

Notice of Application

Notice is hereby given that Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California 90051, has filed an application dated January 16, 1976, to amend its Operating-Differential

Subsidy Agreement, Contract No. MA/MSB–270 (the Agreement), by adding the tankers *Atlantic Trader, Arco Prestige, Arco Endeavor, Arco Sag River, Arco Juneau,* and *Arco Fairbanks.* The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was executed on October 7, 1974, covering the *Sinclair Texas, Arco Prudhoe Bay* and *Arco Anchorage;* amended on November 13, 1975, to include the *Arco Enterprise* and *Arco Heritage;* and will expire on December 31, 1976. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage, and the Maritime Subsidy Board (Board) will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the services now provided by vessels of U.S. registry for the carriage of cargoes previously specified inadequate, must on or before February 27, 1976, notify the Boards' Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended (the Act), and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: February 11, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-4514 Filed 2-13-76;8:45 am]

[Docket No. S-489]

MARGATE AND CHESTNUT SHIPPING COMPANIES

Notice of Multiple Applications

Notice is hereby given that Margate Shipping Company (Margate) and Chestnut Shipping Company (Chestnut) have filed applications dated January 14, 1976, to amend the written permissions granted on January 3, 1972, and December 17, 1973, respectively, pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, for the applicants' affiliated or associated companies to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

	Vessels
U.S. Gulf-Atlantic Coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf intercoastal (including Alaska and Hawaii)	5
Pacific Coast-Alaska-Hawaii	10

Margate and Chestnut request that the following adjustments be made to the maximum numbers of vessels indicated in the last two designated trades shown preceding, with no alteration of the maximum numbers in the first two designated trades:

	Vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	10
Pacific Coast-Alaska-Hawaii	15

Margate and Chestnut are holders of Operating-Differential Subsidy Agreements Nos. MA/MSB–134 and MA/MSB–299, respectively, each of which has a term of 20 years, for the operation of tankers in world-wide trades.

The following U.S. flag tankers are owned, managed, or operated by affiliated or associated companies of the applicants:

Chancellorsville
Perryville
USNS Potomac (ex-Shenandoah)
Fort Fetterman
Julesburg
Birch Coulie
Santa Clara
Gaines Mill
Tullahoma
Meadowbrook
Monmouth
Spirit of Liberty
Keytanker
Keystoner
Valley Forge
Golden Gate
Edgar M. Queeny
Sinclair Texas
David E. Day
Mobilgas
Mobil Power
Mobil Fuel
Baldbutte

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such applications and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on February 27, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: February 11, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-4513 Filed 2-13-76;8:45 am]

National Oceanic and Atmospheric Administration

DR. MURRAY L. JOHNSON

Issuance of a Permit To Take Marine Mammals

On November 5, 1975, notice was published on the FEDERAL REGISTER (40 FR 51489), that an application had been filed with the National Marine Fisheries Service by Dr. Murray L. Johnson, Puget Sound Museum of Natural History, Tacoma, Washington 98416 and Mr. Steven J. Jeffries, University of Puget Sound, Tacoma, Washington 98416, to take 130 harbor seals (*Phoca vitulina richardii*) over a two-year period in Grays Harbor, Washington, and conduct behavorial studies in the southern portion of Puget Sound for the purposes of scientific research.

Notice is hereby given that on February 9, 1976, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to Dr. Murray L. Johnson, Puget Sound Museum of Natural History and Mr. Steven J. Jeffries, University of Puget Sound, subject to certain conditions therein.

The Permit is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20285, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: February 9, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-4438 Filed 2-13-76;8:45 am]

MARINE MAMMAL COMMISSION AND NATIONAL MARINE FISHERIES SERVICE

Notice of Meeting

Notice is hereby given that representatives of the Marine Mammal Commission and the National Marine Fisheries Service will meet on February 26, 1976, at 9:00 a.m., in the meeting room of the National Marine Fisheries Service, Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, California.

The meeting will be held to discuss the statistical methodology to be used by the National Marine Fisheries Service in determining whether a 30 percent reduction in porpoise mortalities is achieved in 1976 in comparison with the same period of time in 1975. The alternative methodologies for deriving a quota level and for setting a closure date for fishing on porpoise for yellowfin tuna if there is to be a quota will also be discussed. The meeting will be open to the public.

Documentation developed for this meeting will be available on or after February 20 upon request to the Center Director, Southwest Fisheries Center, National Marine Fisheries Service, Box 271, La Jolla, California 29037 (telephone 714/453-2820).

Dated: February 11, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-4437 Filed 2-13-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL INSURANCE ADMINISTRATION

[24 CFR Part 1917]

[Docket Nos. FI-864—FI-878]

Proposed Flood Elevations

Correction

FR Docs. 76-4270—76-4284 appearing at pages 6740-6749 of the issue for Friday, February 13, 1976 inadvertently appeared in the Rules section of the FEDERAL REGISTER. They should have appeared in the Proposed Rules section.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX76-2; Notice 2]

PANTHER WESTWINDS LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

This notice grants the petition by Panther Westwinds Ltd. of Weybridge, Surrey, England for a temporary exemption from Motor Vehicle Safety Standard Nos. 214 *Side Door Strength* and 216 *Roof Crush Resistance*, on the basis that to test for compliance would cause it substantial economic hardship.

Notice of the petition was published on December 5, 1975, and an opportunity afforded for comment (40 FR 56962).

Petitioner sought temporary exemption for its luxury de Ville sedan, having produced 64 motor vehicles in the year preceding the filing of the petition. The company believes but does not know for certain that the de Ville meets Standard Nos. 214 and 216. Total costs of testing for development followed by testing for compliance were estimated at $3,840. The two body assemblies that would be provided for testing would cost $13,680. Although the company had a net profit of $31,000 in 1974, it had a cumulative net loss of $11,000 between December 3, 1971 and December 31, 1974. Petitioner stated its belief that if it does not introduce the de Ville into the American market, it cannot continue in existence. The company anticipated a net loss of $21,600 if the petition is denied.

With respect to its possible existing conformance with Standard Nos. 214 and 216, the company stated that the doors of the vehicle are those used on the British Leyland Austin-Morris 1800 model, and the door locks and hinges meet E.C.E. requirements. Further, the de Ville's A-post and cant rails will be modified shortly "with the introduction of tubular strengtheners." The company argued that an exemption would be in the public interest as the overall safety performance of the vehicle is consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

No comments were received on the petition.

The Panther petition involves both present and prospective economic hardship. The present hardship consists of the approximately $17,500 that compliance testing would cost a company whose lifetime cumulative net loss was $11,000 at the end of 1974. The prospective hardship is the demise of the company if it cannot introduce the de Ville into the American market. These factors are a sufficient basis to support a finding that a denial would cause the petitioner substantial economic hardship.

The company believes that its vehicles meet Standards Nos. 214 and 216, thus demonstrating its good faith efforts to comply with the standards. It appears, however, unwilling at this point to certify compliance of the vehicle without conducting the tests specified in, but not legally required by, the standards. The NHTSA has on numerous occasions advised manufacturers that certification need not be supported by conducting the tests that NHTSA performs to determine compliance, and may be based upon engineering calculations, computer simulations, or similar procedures. Although petitioner requested a 3-year exemption, the NHTSA believes that the company should be able to determine by January 1, 1978, its compliance status with Standard Nos. 214 and 216. If vehicle modifications are needed, they would appear to be minor. Since the de Ville's nonconformances, if they exist at all, may be small, the exemption is found to be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, Panther Westwinds Ltd. is hereby granted NHTSA Exemption No. 76-2 from 49 CFR 571.214, Motor Vehicle Safety Standard No. 214, *Side Door Strength*, and 49 CFR 571.216, Motor Vehicle Safety Standard No. 216, *Roof Crush Resistance*, for its de Ville sedan, expiring January 1, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on February 10, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-4454 Filed 2-13-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28791]

CARAIBISCHE LUCHT TRANSPORT MAATSCHAPPIJ, NV

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 23, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room "B", North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 9, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., February 10, 1976.

[SEAL] ROSS I. NEWMANN,
Associate Chief
Administrative Law Judge.

[FR Doc.76-4489 Filed 2-13-76;8:45 am]

[Docket No. 28848]

IMPROVED AUTHORITY TO WICHITA CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 13, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

In order to facilitate the conduct of the prehearing conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 19, 1976, and the other parties on or before April 2, 1976. The submissions of the parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 10, 1976.

[SEAL] ROSS I. NEWMANN,
Associate Chief
Administrative Law Judge.

[FR Doc.76-4490 Filed 2-13-76;8:45 am]

[Docket No. 21162; Order 76-2-34]

OHIO/INDIANA POINTS NONSTOP

Service Investigation; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of February, 1976.

By Order 69-7-32, July 7, 1969, the Board instituted the Ohio/Indiana Points Nonstop Service Investigation, Docket 21162, to consider the need for first competitive nonstop service between (a) Cincinnati, Columbus, Dayton, and Indianapolis, on the one hand, and Philadelphia and Los Angeles, on the other, and (b) Indianapolis, on the one hand, Cleveland and Pittsburgh, on the other.[1] By Order 70-2-1, February 2, 1970, a number of applications were consolidated with Docket 21162, to the extent that they requested authority within the scope of the issues in the proceeding.[2]

On November 17, 1975, the Cincinnati Parties[3] filed a motion for expeditious consideration of, *inter alia*, Docket 21162, stating that the markets in question attract greater traffic and have less service now than they did in 1969.

Answers in support of Cincinnati's request in regard to Docket 21162 have been filed by the City of Philadelphia and Greater Philadelphia Chamber of Commerce, the City of Dayton and Dayton Area Chamber of Commerce, and American Airlines. Delta supports, *inter alia*, expeditious treatment of applications for new authority in the Cincinnati markets included within the scope of Docket 21162. Allegheny Airlines supports expeditious consideration of new competitive Cincinnati-Philadelphia service, but believes that that market should be considered apart from Docket 21162, either by itself or with all other Ohio/Indiana Points-Philadelphia markets.

Trans World Airlines has filed an answer in opposition to the petition of the Cincinnati parties, in which it concentrates on the Cincinnati-Los Angeles and Cincinnati-Philadelphia markets and states that they are too small for competitive service and are well served, and that the addition of nonstop service would be economically wasteful.

Upon consideration of the above pleadings and of all other relevant facts, we have decided to set for hearing the *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, as amended herein. That case was instituted over six years ago, and attracted a considerable amount of carrier interest. The most recent series of pleadings indicate that there is still civic and carrier interest in pursuing the investigation. Under these circumstances, we have decided to go forward with the proceeding.[4] However, our decision should not be taken as an indication of whether, at this time, we would proceed to consider the matter of additional service in all of the markets involved in the *Ohio/Indiana Points Nonstop Service Investigation* were the question of the institution of that case before us for the first time.

The applicants have not submitted sufficient information for us to determine the environmental consequences of their certificate amendment applications at this time. Therefore, we will require Allegheny, American, Continental, Delta, Eastern, National, North Central, Northwest, Ozark and United to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow these carriers, and all other carriers filing applications in this proceeding, 60 days from the date of service of this order to file their environmental evaluations.

Accordingly, it is ordered that:

1. The *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, as instituted by Order 69-7-32, and amended by Order 70-2-1 and herein, shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. Ordering paragraph (2) of Order 69-7-32, be and it hereby is amended as follows:

"2. Any authority awarded herein shall be without subsidy eligibility;"

3. The motion of the Cincinnati Parties be and it hereby is granted to the extent that it deals with Docket 21162;

4. Allegheny Airlines, American Airlines, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, North Central Airlines, Northwest Airlines, Ozark Air Lines, United Air Lines and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations within 60 days from the date of service of this order[5];

5. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within twenty days from the service date of this order and answers thereto shall be filed within ten days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-4491 Filed 2-13-76;8:45]

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[1] Order 70-2-1 amended the scope of the proceeding by substituting "Los Angeles-Ontario-Long Beach" for "Los Angeles."

[2] They were, as follows:

Allegheny Airlines, Inc.	21250
American Airlines, Inc.	21247
Continental Air Lines, Inc.	21252
Delta Air Lines, Inc.	21244
Eastern Air Lines, Inc.	21248
Mohawk Airlines, Inc.	21253
National Airlines, Inc.	21208
North Central Airlines, Inc.	21254
Northwest Airlines, Inc.	21245
Ozark Air Lines, Inc.	21242
United Air Lines, Inc.	21243

[3] The Greater Cincinnati Chamber of Commerce, Kent County Airport Board, Greater Cincinnati Airport and the City of Cincinnati.

[4] The scope of the proceeding will be as set out in Orders 69-7-32 and 70-2-1, with the exception of the restriction in Order 69-7-32 which provides that any new authority should be in the form of a separate segment. That restriction will be deleted in the interest of providing the applicant carriers with greater flexibility in making their proposals.

[5] To the extent that the above-established procedure does not comply with Part 312 of the Board's Procedural Regulations for those carriers requesting consolidation with this proceeding, we hereby waive the requirement of Part 312 that applications contain an environmental evaluation upon filing.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DESIGNATING AN ADDITIONAL OFFICIAL TO ISSUE EXPORT VISAS COTTON, WOOL, AND/OR MAN-MADE FIBER TEXTILE PRODUCTS FROM MACAU

Entry or Withdrawal from Warehouse for Consumption

FEBRUARY 11, 1976.

On August 14, 1973, there was published in the FEDERAL REGISTER (38 FR 21962) a letter dated August 6, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, produced or manufactured in Macau and exported from Macau for which Macau had not issued a visa. One of the requirements is that each visa include the signature of an official authorized to issue visas. Macau has requested that Dr. Jose Bernardino Marques Ferreira also be authorized to issue visas. The list of authorized officials was previously amended on March 6, 1975 (40 FR 11636) and April 23, 1975 (40 FR 18487).

Accordingly, there is published below a letter of February 11, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of August 6, 1973. A facsimile of the signature of the newly-designated official is filed as part of the original document with the Office of the Federal Register.

A complete list of officials currently authorized to issue visas for cotton, wool and man-made fiber textile products exported to the United States from Macau is enclosed with the letter set forth below.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

FEBRUARY 11, 1976.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directives of March 6, 1975 and April 23, 1975.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is further amended to authorize Dr. Jose Bernardino Marques Ferreira to issue visas in addition to the three officials previously designated. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

MACAU OFFICIALS CURRENTLY AUTHORIZED TO ISSUE VISAS FOR COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Dr. Jose Francisco Cadorio Ferreira Lino
Dr. Armando Gil Lopes de Campos
Mrs. Olivia Maria dos Remedios Cesar
Dr. Jose Bernardino Marques Ferreira

[FR Doc.76-4476 Filed 2-13-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1., § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct advisory committee meetings on March 4 and 5, 1976, at the L'Enfant Plaza Hotel, 480 L'Enfante East, S.W., Washington, D.C., in the Charles Suite, beginning at 9:30 a.m. each day. The Commodity Options Subcommittee will meet on March 4; the Futures, Forward and Leverage Contracts Subcommittee will meet on March 5. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for each of the Subcommittee meetings is as follows:

COMMODITY OPTIONS SUBCOMMITTEE, MARCH 4

The Subcommittee will seek to approve its recommendations to the full Advisory Committee with respect to the types of rules that should be adopted by the Commission to regulate option trading.

FUTURES, FORWARD AND LEVERAGE CONTRACTS SUBCOMMITTEE, MARCH 5

The Subcommittee will seek to approve its recommendations to the Advisory Committee with respect to (a) the essential and distinguishing legal and economic elements of futures contracts, forward contracts, and leverage transactions; and (b) what regulations, if any, should be adopted by the Commission if it is determined that leverage transactions should not be treated as futures contracts and traded only on designated contract markets under the rules of such markets.

All meetings are open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, by February 25, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: February 11, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-4486 Filed 2-13-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-19]

PERFORATED TUB WASHING MACHINES

Denial of Petition

The purpose of this notice is to announce the decision of the Consumer Product Safety Commission to deny a petition to develop safety standards concerning sanitation in perforated tub automatic washing machines.

Section 10 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commerce a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

On April 14, 1975, Roy Rick, a private individual of Burbank, California, petitioned the Commission to develop safety standards to insure maintenance of sanitation in perforated tub automatic washing machines. The petition contends that hot water and detergent do not kill bacteria, and that the perforated tub is a source of cross-contamination because waste water remains in the drain-tub fill. Mr. Rick is concerned that clothing would be contaminated by the residual water containing bacteria picked up from previous cycles. Mr. Rick has advocated the return to solid tub construction of automatic washers as the water is completely removed and there is no possibility of cross-contamination of water and clothing.

After careful consideration of the petition and supporting documents from Mr. Rick, and data and information collected by the Commission staff, the Commission denied the petition because based on available evidence, the Commission is unable to conclude that there is an unreasonable risk of injury associated with washing machines due to the hazards alleged in Mr. Rick's petition. The Commission reaches this conclusion for the following reasons:

1. The material exposed to the residual water in washing machines is soiled laundry which already has varying levels of contaminants and bacterial counts. Chlorine or borate bleaches are often added to detergents containing surfactants, all of which contribute to a bacteriocidal effect on microbiological organisms. Additionally, the water added in successive wash and rinse cycles progressively reduces by dilution any contamination caused by water remaining from previous cycles. Further, the Commission is unaware of any evidence to indicate that the laundered clothes contain a bacteria count that presents an unreasonable risk of injury to consumers.

2. The bacteriological count criteria used by the petitioner in support of his petition are criteria for products intended for ingestion. The concentrations of bacteria reported by Mr. Rick can be compared with requirements for certain water uses as well as bacteriological recommendations for milk. For example, the bacterial concentrations in residual water from washing machines are near those for water intended for ingestion; and lower than those in water intended for treatment, water intended for human contact, and milk intended for ingestion.

3. Protection from backflow of residual tub water into fresh water supply is afforded by adherence to voluntary standards which require use of an air gap or other protective devices. Direct drainage of residual water by gravity into waste water pipes instead of pumping out the discharged water would eliminate the air gap that now protects against waste water backup into the washing machine.

4. A return to a solid tub design will not necessarily eliminate the problem Mr. Rick believes is inherent in perforated tubs. Bacteria can collect on the walls of the tub or in the residual dirt that would collect on the bottom of the tubs.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217, 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the above-described petition.

Dated: February 10, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-4439 Filed 2-13-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 490-1, OPP-33000/362 & 363]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington, DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: February 9, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/362)

EPA File Symbol 36532-R. Better Water Corp., 500-C Allied Drive, Nashville TN 37211. BIO-209. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potas-

sium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 5185-ETO. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD DCM ALGICIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 19.23%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 4-ELR. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. DIPEL 150 DUST (BACILLUS THURINGIENSIS) FOR VEGETABLES. Active Ingredients: Bacillus thuringiensis, Berliner, Potency of 320 International Units per mg. (at least 0.5 billion viable spores per g.) 0.064%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 4-ELE. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. DIPEL .86% W. P. (BACILLUS THURINGIENSIS) HOME & GARDEN INSECTICIDE. Active Ingredients: Bacillus thuringiensis, Berliner, 4.320 International Units of potency per milligram (at least 6.75 billion viable spores per gram) 0.86%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 7478-UR. Chem-Pak Co., PO Box 757, Miami FL 33143. FLORIDA CITRUS SPRAY. Active Ingredients: Copper Salts of Rosin and Fatty Acid (Copper as Metallic 2%) 24.0%; 1,1-bis (chlorophenyl) 2,2,2-Trichloroethanol 4.0%; Malathion 12.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM13

EPA Reg. No. 239-987. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHOCIDE METHOXYCHLOR 75-3 SEED PROTECTANT. Active Ingredients: Captan 75%; Methoxychlor, Technical 3%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA File Symbol 1109-GE. Cities Service Co., Industrial Chem. Div., PO Box 50360, Atlanta GA 30302. COPPER SULFATE HI SOL CRYSTALS. Active Ingredients: Copper Sulfate (Pentahydrate) (Copper as Metallic 25.2%) 99.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 35968-R. Consumer Ecology Products, Inc., 101 S.W. 5th Court, Pompano Beach FL 33060. WATER GUARD WATER TREATMENT UNIT MODEL 333 VGC. Active Ingredients: Silver (as elemental) 0.186%. Republished: Method of Support: changed from 2(c) to 2(a) of interim policy and Revised offer to pay statement submitted. PM33

EPA File Symbol 192-RER. Dexol Industries, 1450 W 228th St., Torrance CA 90501. TOMATO & VEGETABLE DUST. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.0%; Zineb (Zinc Ethylene Bisdithiocarbamate, metallic zinc content-1, 10%) 4.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 192-RRI. Dexol Industries. DEXOL LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 3.66%; Dimethylamine salt of 2-4-dichlorophenoxyacetic acid 8.07%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.84%; Dimethylamine salts of related compounds 0.11%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA Reg. No. 192-123. Dexol Industries. DEXOL RED SPIDER AND MITE SPRAY. Active Ingredients: 1 1-Bis (chlorophenyl)-2,2,2-trichloroethanol) 0.046%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA File Symbol 4238-RE. Diamond Chemical Co., Inc., Hook Rd., Bayonne NJ 07002. D775 MILDEW PREVENTATIVE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 11345-2. Dold Feed Co., Inc., 717 Elk St., Buffalo NY 14210. GREENWAY WEED AND FEED PLUS IRON. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 1.28%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted PM23

EPA Reg. No. 11345-3. Dold Feed Co., Inc., 717 Elk St., Buffalo NY 14210. SUPER-GREEN WEED AND FEED PLUS. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 1.28%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA Reg. No. 464-368. Dow Chemical, U.S.A., Argicultural Organics Dept., PO Box 1706, Midland MI 48640. DOW DURSBAN M INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-3,5,6 - trichloro-2-pyridyl) phosphorothioate] 41.2%; Aromatic petroleum derivative solvent 29.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 5736-46. Dubois Chemicals, 3630 E. Kemper Rd., Sharonville OH 45241. BGC-3 BROAD-SPECTRUM GERMICIDAL CLEANER. Active Ingredients: Sodium Lauryl Ether Sulfate 9.00%; Sodium ortho-Phenylphenate 8.90%; Sodium ortho-Benzyl-para-Chlorophenate 8.29%; Isopropyl alcohol 7.50%; Sodium para-Tertiary-Amylphenate 2.05%; Sodium 4- and 6-Chloro-2-phenylphenate 2.00%; Trisodium Ethylenediamine Tetraacetic Acid 1.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 270-RRG. Farnam Co., Inc., 2230 E Magnolia, Phoenix AZ 85036. FARNAM SX-8000 FLY KILLER. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 0.508%; related compounds 0.01%; 2,2-Dichlorovinyl dimethyl phosphate 0.024%; related compounds 0.002%; (Z)-9-Tricosene 0.048%; related compounds 0.002%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA File Symbol 270-RRI. Farnam Co., Inc. FARNAM SSX FLY KILLER. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.093; related compounds 0.007%; (Z)-9-Tricosene 0.048%; related compounds 0.002%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 270-103. Farnam Co., Inc. SWAT FLY REPELLENT OINTMENT. Active Ingredients: Piperonyl Butoxide Technical 0.5%; Pyrethrins 1 & 11 0.2%; Di-n-propyl isocinchomeronate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional data and Revised offer to pay statement submitted. PM17

EPA File Symbol 34463-R. Venezianizoncavernici s.p.a., Via Malaspina 8, 34147 Trieste, Italy: U.S. Representative Grandi Assoc. International, Ltd., Suite 250, Watergate 600, Washington DC 20037. NO-SCRUB ANTIFOULING PAINT BLACK. Active Ingredients: Bis (tri-n-butyltin) oxide 3.00%; bio Met-triphenyl-tinfluoride 11.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 34663-E. Grandi Assoc. International, Ltd. NO-SCRUB ANTIFOULING PAINT RED. Active Ingredients: Cuprous oxide 18.00%; Bis (tri-n-butyltin) oxide 4.70%; bio Met tri-phenyltin flouride 12.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 5404-A. Green's, Inc., PO Box 3309, Albuquerque NM 87110. SANTITERG. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7245-RA. Hi-Brett Chemical Co., Inc., 26 W Inman Ave., Rahway NJ 07065. PINE SOLVE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine Oil 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 29516-U. Hy-Yield, Inc., PO Box 786, Burgaw NC 28425. HY-YIELD MROB-O-GAS. Active Ingredients: Methyl Bromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA Reg. No. 5602-97. HUB States Corp., 2000 N. Illinois St., Indianapolis IN 46202. DI-TOX E. Active Ingredients: O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 12.31%; 2,2-Dichlorovinyl dimethyl phosphate 11.45% and related compounds 0.86% 12.31%; Xylene 70.38%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses and Revised offer to pay statement submitted. PM13

EPA Reg. No. 7946-1. J. J. Manget Co., PO Box 3422, Burbank CA 91504. INJECT-A-CIDE. Active Ingredients: S-[2-(Ethyl-sulfinyl)ethyl] O,O-dimethyl phosphorothioate 50%. Method of Support: Application proceeds under 2(a) of interim policy. PM16

EPA Reg. No. 5009-25. Petrolite Corp., Tretolite Div., 369 Marshall Ave., Saint Louis MO 63119. X-CIDE 18. Active Ingredients: 2,2-Dibromo-3-Nitrilo Propionoamide 20%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses and Revised offer to pay statement submitted. PM33

EPA Reg. No. 5009-24. Petrolite Corp., Tretolite Div., 369 Marshall Ave., Saint Louis MO 63119. X-CIDE 508. Active Ingredients: 2,2-Dibromo-3-nitrilo propionamide 20%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims and Revised offer to pay statement submitted. PM33

EPA File Symbol 10742-O. Prinova Co., Inc., 982 Terminal Way, San Carlos CA 94070. LANDRIN TOILET BOWL CLEANER.

Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 4297–ET. Reliance Brooks, Inc., 3302 E 87th St., Cleveland OH 44127. H-C TREATMENT No. 476. Active Ingredients: N-Alkyl (C12 5%, C14 60%, C16 30%, C18 5%) dimethyl benzyl ammonium chloride 25%; Bis (tri-n-butyltin) oxide 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 359–662. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. ASULOX. Active Ingredients: Sodium salt of asulam (methyl sulfanilycarbamate) 37.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Change in directions requiring additional data and Revised offer to pay statement submitted. PM23

EPA Reg. No. 11273–12. Sandoz, Inc., Crop Protection, PO Box 1489, Homestead FL 33030. EVITOL A GRANULAR HERBICIDE FOR CRANBERRIES. Active Ingredients: norflurazon -(4-chloro-5-(methyl-amino)-2-(alpha, alpha, alpha-trifluro-*m*-tolyl)-3 (2*H*)-pyridazinone) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use and revised offer to pay statement submitted. PM24

EPA Reg. No. 10308–6. Sumitomo Chemical Co. Ltd., c/o Dr. Eugene J. Gerberg, Insect Control & Research, Inc., 1330 Dillon Heights Ave., Baltimore MD 21228. S–2539 FORTE. Active Ingredients: 3-phenoxybenzyl d-cis and trans 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 86%; other isomers 4%. Republished: Method of Support changed from 2(c) to 2(a) of interim policy and Revised offer to pay statement submitted. PM17.

EPA File Symbol 1624–RRN. United States Borax & Chemical Corp., PO Box 75128, Sanford Station, Los Angeles CA 90075. 20 MULE POWER BATHROOM CLEANER. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 4.56%; Isopropanol 5.00%; 5-Chloro-2-(2,4-dichlorophenoxy) phenol 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised to offer to pay statement submitted. PM32

APPLICATIONS RECEIVED (OPP–33000/363)

EPA File Symbol 12466–A. Aqua Labs., Inc., 36 High St., Amsbury MA 01913. AQUACIDE 650. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35909–R. Associated Water Conditioners, Inc., Rt. 202, Mt. Kemble Ave., Morristown NJ 07960. MICROBIOCIDE 467. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 35909–G. Associated Water Conditioners, Inc. MICROBIOCIDE NO. 471. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submtited. PM33

EPA File Symbol 35909–U. Associated Water Conditioners, Inc. MICROBIOCIDE NO. 472. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Postassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2 (b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 35909–A. Asosciated Water Conditioners, Inc. MICROBIOCIDE NO. 470. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10088–AN. Athea Labs., Inc., 4180 N 1st St., Milwaukee WI 53212. DISINFECTANT BOWL CLEANER II. Active Ingredients: Hydrogen Chloride 9.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% (C18) Dimethyl Benzyl Ammonium Chlorides 0.75; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylenzyl Ammonium Chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10088–AR. Athea Labs., 4180 N 1st St., Milwaukee WI 53212. PINESCENT DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine Oil 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 150–UA. Anderson Chemical Co., Box 1041, Litchfield MN 55355. AN-CARE STAPH MINUS II. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.25%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 2.25%; Sodium Carbonate 3.00%; Tetrasodium Etheylenediamine tetra-acetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–RE. B & M International, Inc., PO Box 1116, Thibodaux LA 70301. MICRO-MINT 22 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.5%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31.

EPA File Symbol 36999–U. B & M International, Inc. MICRO-MINT 7. Active Indients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–T. B & M International, Inc. MICRO-MINT 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–A. B & M International, Inc. MICRO-ORANGE 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–I. B & M International, Inc. MICRO-ORANGE 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Essential oils 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–L. B & M International, Inc. MICRO-LEMON 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36999–RN. B & M International, Inc. MICRO-LEMON 22. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 40%) dimethyl benzyl ammonium chloride 2.50%; Essential oils 0.25%; Ethylene diamine tetraacetic acid, tetrasodium salt 0.19%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 29780–A. Centennial Chemicals, Inc., 1094 Huff Rd., N.W., Atlanta GA 30318. (RE–3). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 3125–EOU. Chemagro Div. of Baychem Corp., PO Box 4913, Kansas City MO 64120. SENCOR. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 70%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 3125–277. Chemagro Div. of Baychem Corp., PO Box 4913, Kansas City, MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4 - Amino - 6 - (1,1 - dimethylethyl)-3-(methylthio)-1,2,4-triazine - 5(4*H*) - one 54%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 559–EN. The Davies-Young Co., 2700 Wagner Pl., Maryland Heights MO 63043. FORMULA 170. Actvie Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11694—UO. Dymon, Inc., 3401 Kansas Ave., PO Box 6175, Kansas City 66106. BROMENOL 4 GRANULAR VEGETATION AND WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-secbutyl-6-methyluracil) 4.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 1471–97. Elanco Products Co., Div. of Eli Lilly Co., PO Box 1750, Indianapolis IN 46206. ELANCE HERBICIDE

SPIKE 80W. Active Ingredients: tebuthiuron: N-[5-(1,1-dimethylethyl)-1-3,4-thiadiazol-2-yl]-N,N' dimethylurea 80.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses; revised offer to pay statement submitted. PM25

EPA Reg. No. 1471–36. Elanco Products Co., Div. of Eli Lilly Co., PO Box 1750, Indianapolis IN 46206. GIB–TABS. Active Ingredients: Gibberellic Acid 29.6%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 869–158. Green Light Co., PO Box 16192, San Antoino TX 78217. GREEN LIGHT DURSBAN GRANULES. Active Ingredients: Chlorpyrifos [o,o-diethyl o-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 11617–U. IWM Corp., 1495 Davis Rd., Elgin IL 60120. A 10 ALGAECIDE. Active Ingredients: Sodium Pentachlorophenate 15.8%; Sodium Salts of Other Chlorophenols 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 10336–RG. Laboratories, Inc., 1425 E Michigan St., Adrain MI 49221. AQUAPHASE S–TEC–10. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 25%; bis (tri-n-butyltin) oxide 5%; trisodium n-hydroxyethyl ethylenediamine triacetate 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 72–89. Miller Chemical & Fertilizer Corp., PO Box 333, Hanover PA 17331. KILMITE–40 (40% TEPP). Active Ingredients: Tetraethylpyrophosphate 40%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted; added uses. PM16

EPA File Symbol 8123–TL. Frank Miller & Sons, Inc., 13831 S Emerald Ave., Chicago IL 60627. WATER COOLING TOWER ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 524–285. Monsanto Co., Agricultural Products, 800 N Lindbergh Blvd., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Change in use pattern. PM25

EPA File Smybol 2831–UG. Napasco International, PO Drawer 1057, Thibodaux LA 70301. NAPASCO MINT 44 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 5.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 8284–6. Pennchamp Inc., Railroad St., E Butler PA 16029. BREATH OF SPRING SPRAY DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.15%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.15%; Alcohol 68.50%; Essential oils 0.40%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Smybol 35905–R. Poly Sciences, Inc., Paul Valley Industrial Park, Warrington PA 18976. GERMASONIC. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0% Tetrasodium salt of ethylenediamine tetra-acetic acid 2.5%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 602–223. Ralston Purina Co., General Offices Checkerboard Squire, St. Louis MO 63188. PURINA QUATERNARY DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 11.8%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 11.8%; Ethyl Alcohol 5.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted; added use. PM31

EPA Reg. No. 602–220. Ralston Purina Co. PURINA DISINFECTANT CONCENTRATE (4X). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benyl ammonium chlorides 11.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 11.8%; Ethyl Alcohol 5.9%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted; added uses. PM31

EPA Reg. No. 602–219. Ralston Purina Co. PURINA DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.9%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.9%. Method of Support: Application proceeds under (2b) of interim policy. Republished: Revised offer to pay statement submitted; added uses. PM31

EPA Reg. No. 373–69. Residex Corp., 225 Terminal Ave., Clark NJ 07066. RESIDEX MALATHION 5 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion 57%; Xylene 35%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted; added uses. PM16.

EPA Reg. No. 148–1216. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. ATRAZINE PLUS. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropyl-amino-s-triazine) 93.1%; Related Compounds 2.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 8103–A. Uni-Chem Corp., 737 E. Murry St., Indianapolis IN 46227. BOL-BRITE. Active Ingredients: Hydrogen Chloride 9.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.75%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

[FR Doc.76–4518 Filed 2–13–76;8:45 am]

[FRL 490–2, OPP–33000/364]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, S.W., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applica-

tions not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: February 9, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/364)

EPA Reg. No. 8590–42. Agway, Inc., Fertilizer-Chemical Division, Box 1333, Syracuse NY 13201. AGWAY PROTECTOR-3L SEED TREATMENT. Active Ingredients: 2-(thiocyano-methylethio) benzothiazole 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 1029–104. Aidex Corp., PO Box 7348, Omaha NB 68107. AIDEX LV4 WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid Propylene Glycol Butyl Ether Esters 72.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 12015–RT. Allied Laboratories, Inc., 975 Lake Rd., Medina OH 44256. HANDLE DISINFECTANT-SANITIZER FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11539–L. Apollo Chemical Corp., 35 S. Jefferson Rd., Whippany NJ 07981. PENTRON DB–90. Active Ingredients: Disodium cyanodithiomidocarbonate 4.2%; Potassium N-methyldithiocarbamate 5.8%. Method of Support. Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35909–E. Associated Water Conditioners, Inc., Rt. 202, Mt. Kemble Ave., Morristown NJ 07960. BIOCIDE 464. Active Ingredients: N-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 179–IL. The R. H. Bogle Co., PO Box 588, Alexandria VA 22313. BO-RID CBB LIQUID WEED KILLER. Active Ingredients: Sodium chlorate 14.00%; Sodium metaborate 7.00%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.46%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 3579–RT. Brewer Chemical Corp., PO Box 48, Honolulu HI 96817. SODIUM SALT ALPHA-NAPHTHALENACETIC ACID. Active Ingredients: Sodium Alpha-Naphthalene Acetate 93%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 10445–RU. Calgon Corp., Calgon Center, Box 1346, Pittsburgh PA 15230. B–60 MICROBIOCIDE. Active Ingredients: Didecyl Dimethyl Ammonium Chloride 20.0%; Isoproply Alcohol 8.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 3342–0T. Cape Fear Chemicals, Inc., PO Box 695, Elizabethtown NC 28337. BUDWORM SPECIAL. Active Ingredients: Bacillus thuringiensis Berliner 300 International Units of Potency per milligram of product (480 Million Spores per Gram) Equivalent to 136 million International Units per Pound 0.06%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 29780–7. Centennial Chemicals, Inc., 1094 Huff Rd. NW, Atlanta GA 30318. (RC–4). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 12265–E. Chemex, 239 S. Cooper St., Memphis TN 38104. CHEMEX 3111 LEMON ODOR DISINFECTANT. Active Ingredients: Alkyl (C14 58% C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isophopanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7478–EO. Chem-Pak Co., PO Box 430757, S. Miami FL 33143. MILDEX. Active Ingredients: 2,4-Dinitro-6-octyl phenyl crotonate 18.25%; 2,6-Dinitro-4-octyl phenyl crotonate Nitrocyti phenols (principally dinitrol) 1.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM13

EPA File Symbol 35571–R. Chem Pro Laboratory, Inc., 941 W. 190th St., Gardena CA 90248. CHEM PRO ALGAE CONTROL ED LIQUID. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 35572–4. Chem-Tab Chemical Corp., 211 E. Delano Blvd., Long Beach CA 90220. GRANULAR CONCENTRATED CHLORINATING. Active Ingredients: Sodium Dichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 12015–RA. Coventry Products, 975 Lake Rd., Medina OH 44256. SPEEDEE 4.5. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 12015–RU. Coventry Products, 975 Lake Rd., Medina OH 44256. SPEEDEE–1000. Active Ingredients: Octyl decyl dimethyl ammonium chloride 5.0%; Didecyl dimethyl ammonium chloride 2.5%; Dioctyl dimethyl ammonium chloride 2.5%; Isopropyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1203–LG. Delta Chemical Corp., 3915 Air Park St., Memphis TN 38130. DELTA FOREMOST. Active Ingredients: alkyl (C12 40%, C14 50%, C16 10%) dimethyl benzyl ammonium chloride 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34282–A. Dickler Chem. Co., 4201 Torresdale, Philadelphia PA 19124. RINSE DISINFECTANT-SANITIZER DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10%; Ethanol 2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 464–320. Dow Chemical Co., PO Box 1706, Midland MI 48640. TORDON 10K PELLETS HERBICIDE. Active Ingredients: Picloram (4-amino-3,5,6-trichloropicolinic acid) potassium salt 11.6%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses & Revised offer to pay statement submitted. PM25

EPA Reg. No. 464–368. Dow Chemical Co., PO Box 1706, Midland MI 48640. DOW DURSBAN M INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)phosphorothioate] 41.2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional uses & Revised offer to pay statement submitted. PM12

EPA Reg. No. 5736–46. Dubois Chemicals, 3630 E. Kemper Rd., Sharonville OH 45241. BGC–3) BROADSPECTRUM GERMICIDAL CLEANER. Active Ingredients: Sodium Laurly Ether Sulfate 9.00%; Sodium Ortho-Phenylphenate 8.90%; Sodium-ortho-Benzyl-para-Chlorophenate 8.29%; Isopropyl alcohol 7.50%; Sodium para-Tertiary-Amylphenate 2.05%; Sodium 4- and 6-Chloro-2-phenylphenate 2.00%; Trisodium Ethylenediamine Tetraacetic Acid 1.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional uses & Revised offer to pay statement. PM32

EPA Reg. No. 352–370. E. I. DuPont de Nemours Co., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N - [methylcarbamoyl) - oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses & Revised offer to pay statement sbmitted. PM12

EPA Reg. No. 352–342. E. I. DuPont de Nemours Co., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N-[methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Aditional uses & Revised offer to pay statement submitted. PM12

EPA File Symbol 6009–U. Eastern Color & Chemical Co., 35 Livingston St., Providence RI 02904. ECCOGENE. Active Ingredients: di-isobutyl phenoxy-ethoxy ethyl dimethyl benzyl ammonium chloride 19.0%. Method of Support: Application proceeds under 2 (c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 3040–UR. EDCO Chemical Co., Inc., 1048 Key Rd., Columbia SC 29201. EDCO SWIMMING POOL ALGAECIDE–10. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 16377–R. Gloss-All Products Co., 2317 Parmenter St., Middleton WI 53562. STER–ALL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 5404–L. Green's, Inc., PO Box 3309, Albuquerque NM 87110. 4–D DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) di-

methyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 34911-3. Hi-Yield Chemical Co., Box 460, Bonham TX 75418. HI-YIELD DIAZINON INSECT SPRAY. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.5%; Aromatic Petroleum Derivatives 76.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 38239-R. Kabler Laboratories, PO Box 14554, Orlando FL 32807. MR. KILDEW SPRAY ON MILDEW REMOVER. Active Ingredients: Calcium Hypoclorite 4.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7601-RN. Libby Laboratories, 2214 Sixth St., Berkeley CA 94710. INSTRUMENT GERMICIDE. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 0.133%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 7601-RR. Libby Laboratories, 2214 Sixth St., Berkeley CA 94710. GERMICIDAL SOLUTION ALCOHOLIC SOLUTION 1:750. Active Ingredients: Isopropanol 44.000%; Alkyl (C14 50%, C12 40% C16 10%) Dimethyl Benzyl Ammounium Chloride 0.133%. Method of Support: Application proceeds under 2(c) interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 6418-O. Magee Chemical Co., 415 W. Touhy Ave., Des Plains IL 60018. MC-20P. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chloride 3.1%; Sodium Carbonate 3.1%. Method of Support: Application proceeds undre 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 6418-I. Magee Chemical Co. MC-20L. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammounium Chloride 3.1%; Sodium Carbonate 3.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 6418-1. Magee Chemical Co. MC-20M. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chloride 3.1%; Sodium Carbonate 3.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1266-RAE. Malter International Corp., Box 6099, New Orleans LA 70174. SEP-T-CIDE NP. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00% Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1266-RAG. Malter International Corp., Box 6099, New Orleans LA 70174. SET-T-CIDE CD. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36404-E. Nissho Iwai American Corp., 624 S. Grand Ave., Los Angeles CA 90017. STAR-CHLON. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 36404-R. Nissho Iwai American Corp., 624 S. Grand Ave., Los Angeles CA 90017. NISSIN NICLON-70-G. Active Ingredients: Calcium Hypochlorite. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 397-RE. Noble Pine Products Co., PO Box 41, Centuck Station, Yonkers NY 10710. DAC MILDEW PREVENTATIVE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 12488-U. Norman Chemical Co., 1630 Carroll Ave., St. Paul MN 55104. INDUSTRIAL WATER COOLING TOWER ALGAEICDE 963. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 432-452. S. B. Penick & Co., Comm. Development Pesticides, 215 Watchung Ave., Orange NJ 07050. SBP-1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses & Revised offer to pay statement submitted. PM17

EPA Reg. No. 432-542. S. B. Penick & Co., A Unit of CPU International Inc., Commercial Development Department, 215 Watchung Ave., Orange, NJ 07052. SBP-1382/BIOALLETHRIN [.20% + .40%] AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-4-furyl) methyl 2,2-dimethyl - 3-(2-methylpropenyl) -cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.272%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses & Revised offer to pay statement submitted. PM17

EPA Reg. No. 11525-11. Peterson/Puritan, Inc., Hegeler Lane, Danville, IL 61832. P/P DISINFECTANT DEODORANT SPRAY "C". Active Ingredients: o-phenylphenol 0.172%; p-tert-amyl-phenol 0.044%; Ethanol 53.507%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 491-EEE. Selig Chemical Industries, 840 Selig Dr. SW, Atlanta, GA 30336. SELCOL DISINFECTANT-SANITIZER FUNGICIDE-DEODORIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 38345-R. T & G Systems, Inc., PO Box 1504, Orlando, FL 32802. AIA FAST MILDEW REMOVER. Active Ingredients: Calcium Hypochlorite 4.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 10740-RU. Tech Chemical Corp., 1905 Dennison St., Oakland, CA 94606. BYSAN DISINFECTANT-DETERGENT-DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 2230-UT. Warsaw Chemical Co., Inc., PO Box 658, Warsaw IN 46580. WARSAW CHEM DEODORIZER. Active Ingredients: Sodium Carbonate 10%; n-Alkyl 50% C14, 10% C16, 40% C12) dimethyl benzyl ammonium chlorides 5.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37756-R. Water Safe Products, Inc., 8337 Nieman Rd., Lenexa KS 66214. CLEAN WATER MAKER. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 1270-ROU. Zep Manufacturing Co., Box 1215, Atlanta GA 30301. ZEP X-1075. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides, 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Ethyl alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

[FR Doc.76-4519 Filed 2-13-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS

Availability for Processing

Notice is hereby given, pursuant to section 1.571(c) of the Commission's rules, that on March 18, 1976, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other applications on file by the close of business on March 17, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of busines on March 17, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to section 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of

the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Attachment

Adopted: February 4, 1976.

Released: February 9, 1976.

[SEAL] VINCENT J. MULLINS, *Secretary.*

APPENDIX

BMP-13895 WGSE, New Bern-James City, N.C.
P & C Broadcasting Co.
Has: 1380 kHz, 5 kW, Day.
Req: 1380 kHz, 5 kW, DA-N, U.

BMP-14027 WKBQ, Garner, N.C.
Edward G. Atsinger, III.
Has: 1000 kHz, 250 W, Day.
Req: 1000 kHz, 1 kW, Day.

BP-19581 WPJD, Soddy-Daisy, Tenn.
C. Alfred Dick.
Has: 1550 kHz, 250 W, Day.
Req: 1550 kHz, 1 kW, Day.

BP-19945 WGTR, Natick, Mass.
Home Service Broadcasting Corp.
Has: 1060 kHz, 1 kW, Day.
Req: 1060 kHz, 5 kW, 50 kW-LS, DA-2, U.

BP-20049 WTZE, Tazewell, Va.
Tazewell Broadcasting Co.
Has: 1470 kHz, 1 kW, Day.
Req: 1470 kHz, 2.5 kW, Day.

BP-20051 WAMG, Gallatin, Tenn.
Southern Broadcasters, Inc.
Has: 1130 kHz, 250 W, Day.
Req: 1130 kHz, 2.5 kW (1 kW-CH), Day.

BP-20056 NEW, Kingston, Tenn.
Kingston Broadcasting Co.
Req: 1410 kHz, 500 W, Day.

BP-20058 NEW, Port Gibson, Miss.
Adams Broadcasting Co.
Req: 1320 kHz, 500 W, Day.

BP-20059 WHYT, Noblesville, Ind.
Mid-Indiana Broadcasters Corp.
Has: 1110 kHz, 250 W, DA-Day.
Req: 1110 kHz, 500 W, DA-Day.

BP-20061 KITN, Olympia, Wash.
KITN-KITI Corp.
Has: 920 kHz, 1 kW, Day.
Req: 920 kHz, 500 W, 1 kW-LS, DA-N, U.

BP-20062 NEW, Murray, Ky.
The Jackson Purchase Broadcasting Co.
Req: 1130 kHz, 250 W, Day.

BP-20063 KADO, Texarkana, Tex.
KATQ Radio, Inc.
Has: 940 kHz, 1 kW, Day.
Req: 940 kHz, 2.5 kW, Day.

BP-20064 KHRT, Minot, N. Dak.
K-HRT Broadcasting Corp.
Has: 1320 kHz, 1 kW, Day.
Req: 1320 kHz, 2.5 kW, Day.

BP-20065 KBLW, Logan, Utah.
People's Broadcasting Co., Inc.
Has: 1390 kHz, 500 W, 1 kW-LS, DA-N, U.
Req: 1390 kHz, 500 W, 5 kW-LS, DA-N, U.

[FR Doc.76-4481 Filed 2-13-76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS

Availability for Processing

Notice is hereby given pursuant to sections 1.572(c) and 1.573(d) of the Commission's rules, that on March 24, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to secton 1.227(b) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 23, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on March 23, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: January 29, 1976.

Released: February 2, 1976.

Attachment

[SEAL] VINCENT J. MULLINS, *Secretary.*

FM TRANSLATOR APPLICATIONS

BPFT-289 New, Rifle and Rural Area, Colo.
XYZ Television, Inc.
Req: Channel 276, 103.1 MHz, 10 watts.
Primary: KREX(FM), Grand Junction, Colo.

BPFT-290 New, Springfield, Mo.
Richard Kent Woolbridge.
Req: Channel 296, 107.1 MHz, 10 watts.
Primary: KRFG(FM), Greenfield, Mo.

BPFT-291 New, Enterprise, Utah.
Washington County Television Dept.
Req: Channel 269, 101.7 MHz, 10 watts.
Primary: KDXU-FM, St. George, Utah.

BPFT-292 New, Butte, Mont.
University of Mont.
Req: Channel 257, 99.3 MHz, 10 watts.
Primary: KUFM(FM), Missoula, Mont.

BPFT-293 New, Price, Utah.
Carbon County.
Req: Channel 288, 105.5 MHz, 10 watts.
Primary: KSL-FM, Salt Lake City, Utah.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2947 K79BR, Hakalau, Hawaii.
Hawaii Public Broadcasting Authority.
Req: Change frequency to Ch-67, and primary TV station to KHET(TV), Honolulu, Hawaii.

BPTT-2949A K70FC, Laramie, Wyo.
Harriscope Broadcasting Corp.
Req: Change primary TV station to KTWO-TV, Casper, Wyo.

BPTT-2950 New, San Martin and Gilroy, Calif.
Santa Clara County Board of Education.
Req: Channel 65, 100 watts.
Primary: KTEH(TV), San Jose, Calif.

BPTT-2951 K82BC, Gilroy and Morgan Hill, Calif.
Santa Clara County Board of Education.
Req: To delete Gilroy, Calif.
Primary: KTEH(TV), San Jose, Calif.

BPTT-2952 New, Daggett, Calif.
County of San Bernardino, County Service Area No. 40.
Req: Channel 63, 100 watts.
Primary: KTLA(TV), Los Angeles, Calif.

BPTT-2953 New, Daggett, Calif.
County of San Bernardino, County Service Area No. 40.
Req: Channel 65, 100 watts.
Primary: KHJ(TV), Los Angeles, Calif.

BPTT-2954 New, Daggett, Calif.
County of San Bernardino, County Service Area No. 40.
Req: Channel 67, 100 watts.
Primary: KTTV(TV), Los Angeles, Calif.

BPTT-2959 New, Ukiah, Calif.
Television Improvement Association.
Req: Channel 67, 100 watts.
Primary: KHSL(TV), Chico, Calif.

BPTT-2963 New, Sweetgrass, West Butte Sunburst and Border Field Communities, Mont.
Border T.V. Club.
Req: Channel 63, 20 watts.
Primary: CJLH(TV), Lethbridge, Alberta, Canada.

BMPTT-836 K68AU, Erick, Sayre and Carter, Okla.
Northfork T.V. Translator System.
Req: Change primary to KAUZ-TV, Wichita Falls, Tex.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5459A New, Hanna, and Elmo, Wyo.
Hanna-Elmo T.V. Association.
Req: Channel 11, 1 watt.
Primary: KMGH(TV), Denver, Colo.

BPTTV-5460 New, unincorporated Village of Glen Haven, Colo.
Platte Valley Farm Supply d/b/as Translator TV, Inc.
Req: Channel 13, 1 watt.
Primary: KRMA-TV, Denver Colo.

BPTTV-5460A New, Hanna, and Elmo, Wyo.
Hanna-Elmo T.V. Association.
Req. Channel 13, 1 watt.
Primary: KBTV(TV), Denver, Colo.

BPTTV-5463 New, Noorvik, Alaska, City of Noorvik.
Req: Channel 4, 10 watts.
Primary: KYUK(TV), Bethel, Alaska—KUAC (TV), Fairbanks, Alaska.

BPTTV-5473 New, Newberry, Calif.
County of San Bernardino, County Service Area No. 40.
Req: Channel 3, 10 watts.
Primary: KTLA(TV), Los Angeles, Calif.

BPTTV-5474 New, Newberry, Calif. County of San Bernardino, County Service Area No. 40.
Req: Channel 6, 10 watts.
Primary: KHJ(TV), Los Angeles, Calif.

BPTTV-5475 K09HG, Girdwood, Alaska, State of Alaska.
Req: Change principal community to Bird Point and Girdwood, Alaska.
Primary: KENI(TV), Anchorage, Alaska.

BPTTV-5476 New, Upper Grasshopper Valley and Polaris, Mont. Grasshopper TV Association.
Req: Channel 7, .25 watts.
Primary: KXLF(TV), Butte, Mont.

BPTTV-5477 New, Victoria Mines, Nev. White Pine Television District No. 1.
Req: Channel 12, 1 watt.
Primary: KSL-TV, Salt Lake City, Utah.

BPTTV-5484 K04GQ, Grand Valley, Colo., Garfield County.
Req: To add Morrisiana Mesa, Colo. to present prinicipal community.

Application deleted from Public Notice released January 12, 1976, (Mimeo No. 59702, 41 FR 3119).

BPFT-283 New, Butte, Mont. KUFM(FM) Radio-TV Department.
Req: Channel 213, 90.5 MHz, 10 watts.
Primary: KUFM(FM), Missoula, Mont.

(Assigned new file number BPFT-292, and changed name to University of Montana.)

Applications deleted from Public Notice released October 15, 1975, (Mimeo No. 56100, 40 FR 49600).

BPTTV-5383 New, Hanna, Wyo. Hanna-Elmo Television Association.
Req. Channel 11, 1 watt.
Primary: KMGH(TV), Denver, Colo.

(Assigned new file number BPTTV-5459A.)

BPTTV-5384 New, Hanna, Wyo. Hanna-Elmo Television Association.
Req: Channel 13, 1 watt.
Primary: KBTV(TV), Denver, Colo.

(Assigned new file number BPTTV-5460A.)

[FR Doc.76-4482 Filed 2-13-76;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Notice of Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold its next meeting on March 10, 1976, in Washington, D.C. The meeting will be held in conference room 8205, Federal Communications Commission, 2025 M Street, N.W., at 10:00 a.m.

The purpose of the meeting is to review the preparation of justification for land mobile frequency allocation recommendations. The meeting is open to the public and oral and written statements may be presented by members of the public.

The meeting will be conducted in accordance with the following agenda.

1. Call of the Agenda.
2. Review of allocation justification material and schedule the final committee report.
3. Set next meeting date.
4. New business.
5. Adjournment.

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

[FR Doc.76-4477 Filed 2-13-76;8:45 am]

FEDERAL RESERVE SYSTEM

ABILENE CO.

Order Approving Action To Become a Bank Holding Company

Abilene Company, Abilene, Kansas, has applied for prior approval under section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 80 per cent or more of the voting shares of The Abilene National Bank, Abilene, Kansas ("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 application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $11.9 million).[1] Upon acquisition of Bank, Applicant would control the 188th largest bank in Kansas, holding .15 per cent of total deposits in commercial banks in the State. Bank is the third largest bank in the relevant banking market, which is approximated by Dickinson County, and controls 13.42 per cent of the total commercial bank deposits therein.

One of the principals of Applicant is also a principal in ten other one-bank holding companies located in Nebraska and Wyoming. None of these holding companies nor their subsidiary banks compete with Bank. Since the proposal represents a restructuring of the existing ownership of Bank and Applicant has no present subsidiaries, consummation of the transaction would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on any bank in this area. Thus, competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant are primarily dependent on those of Bank. In this regard, Applicant proposes to service debt that it assumes as a part of this proposal over a 12-year period through dividends and management fees from Bank. The projected earnings of Bank appear reasonable and provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while maintaining Bank's capital at an acceptable level. Furthermore, it appears that the overall financial condition of Applicant and the other one-bank holding companies in which a principal of Applicant is presently involved is generally satisfactory and consistent with approval of the application. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Accordingly, considerations relating to the banking factors are regarded as being consistent with approval.

Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are consistent with approval of the application to acquire Bank. It has been determined that consummation of the transaction 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 consummated (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 of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective February 10, 1976.

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

[FR Doc.76-4464 Filed 2-13-76;8:45 am]

[1] All banking data are as of December 30, 1974.

BANKAMERICA CORP.

Order Granting Determination Under Bank Holding Company Act

BankAmerica Corporation ("BankAmerica"), San Francisco, California, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. § 1841(a)) ("Act"), by virtue of its ownership of all (except for directors' qualifying shares) of the issued and outstanding voting shares of Bank of America, N.T. & S.A. ("Bank"), San Francisco, California, has requested a determination by the Board, pursuant to § 2(g)(3) of the Act (12 U.S.C. § 1841(g)(3)), that BankAmerica is not in fact capable of controlling ITT Financial Corporation ("ITTFC"), St. Louis, Missouri, notwithstanding the indebtedness incurred by ITTFC to GAC Finance Corporation (New Mexico), GAC Finance Corporation (Texas), GAC Finance Corporation (Washington), GAC Finance Corporation of Idaho, GAC Finance Inc.

of Colorado, GAC Finance Inc. of California, GAC Finance Inc. of North Dakota, GAC Finance Inc. of Oregon, GAC Finance Inc. of South Dakota, GAC Finance Inc. of Wyoming, GAC Industrial Loan Company, Inc. (Washington) and GAC of Washington Industrial Loan Company (collectively "GAC-West"), all wholly-owned subsidiaries of BankAmerica, in connection with the purchase by ITTFC on November 17, 1975 from GAC-West of substantially all of the assets of GAC-West. In addition to the present indebtedness incurred in the sale of those assets, ITTFC, as a result of the transaction, issued to GAC-West 120,000 shares of 11 per cent Cumulative Prior Preferred Stock, Third Series, $100 par value, a newly-created series of preferred stock. Those shares are not convertible and carry a certain voting right exercisable in the event of certain defaults. ITTFC was indebted to Bank prior to the transaction and the amount of that debt increased significantly as part of the transaction. International Telephone and Telegraph Corporation ("ITT"), New York, New York, which owns all of the issued and outstanding shares of ITT Consumer Services Corporation ("ITTCSC"), which, in turn, owns all of the issued and outstanding shares, other than the preferred shares owned by GAC-West, of ITTFC, was indebted to Bank prior to the sale of assets to ITTFC and continues to be indebted to Bank.

Under the provisions of § 2(g)(3) of the Act (12 U.S.C. § 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Notice of an opportunity for hearing with respect to BankAmerica's request for a determination under § 2(g)(3) was published November 10, 1975, in 40 FR 52438. The time provided for requesting a hearing has expired. No such request has been received by the Board, nor has any evidence been received to show that BankAmerica is in fact capable of controlling ITTFC.

There exist no interlocking officer or director relationships between BankAmerica and its subsidiaries, on the one hand, and ITT, ITTCSC, and ITTFC, on the other. The aggregate amounts of debt owed by ITTFC and ITT respectively to BankAmerica and its subsidiaries respectively do not constitute substantial portions of the consolidated long-term debt, consolidated assets or consolidated net worth of either. Schedules for the repayment of those debts have been established by contractual agreement. Neither BankAmerica nor its subsidiaires have retained a security interest in the assets of either ITTFC or ITT. The board of directors of BankAmerica has, by resolution, disclaimed control of ITTFC and the chairman of the board of directors of ITTFC has disclaimed control by BankAmerica asserting that active and effective control of ITTFC is vested in ITT. The outstanding common shares of ITT are publicly held. It appears that the sale of the assets of GAC-West was at arm's length.

Based on these findings, it is hereby determined that BankAmerica is not in fact capable of controlling ITTFC.

Accordingly, it is ordered, that the request of BankAmerica for a determination pursuant to § 2(g)(3) be and hereby is granted. Any material change in the facts or circumstances relied upon in making this determination may result in Board reconsideration of the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR § 265.2(b)(1)), effective February 5, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4465 Filed 2-13-76;8:45 am]

BREN-MAR PROPERTIES, INC.

Acquisition of Bank

Bren-Mar Properties, Inc., Columbia, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First State Bank, Tishomingo, Oklahoma. The factors that are considered in acting on the application are set forth in § 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 Dallas. 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 March 2, 1976.

Board of Governors of the Federal Reserve System, Februray 9, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4466 Filed 2-13-76;8:45 am]

HENDERSON STATE CO.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Henderson State Company, Henderson, Nebraska ("Applicant"), has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through the acquisition of 95 percent of the voting shares of Henderson State Bank, Henderson, Nebraska ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for approval to acquire Thieszen Real Estate and Insurance Agency, Henderson, Nebraska ("Agency"), and to thereby act as a general insurance agent or broker in Henderson, a community with a population of less than 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board of Governors has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (40 FR 47541). Time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank and of operating a general insurance agency. Bank ($7.1 million in deposits) is the third largest of seven banks competing in York County (which approximates the relevant banking market), and controls 9.3 percent of the total deposits held by commercial banks in the market.[1] Upon acquisition of Bank, applicant would control 0.1 of one percent of total deposits in commercial banks in Nebraska. Since the subject proposal represents the restructuring of existing ownership interests of Bank and since Applicant has no present subsidiaries, it is concluded that consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other banks in the relevant market.

The financial condition, managerial resources, and future prospects of Applicant, which are dependent upon those same factors in Bank, are regarded as consistent with approval. Although Applicant will incur acquisition debt in connection with this proposal, the projected income from the operation of Bank and the insurance activities of Agency should provide sufficient revenue to service the debt without impairing the financial condition of either Applicant or Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Applicant has also applied to the Board to acquire the assets of Agency, and thereby engage in the activities of a general insurance agency, pursuant to section 225.4(a)(9)(iii) of Regulation Y, from the premises of Bank. Approval of

[1] All banking data are as of June 30, 1975.

this application would insure the residents of Henderson a continued convenient source of insurance services, which result the Board regards as being in the public interest. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the factors under § 3(c) of the Act and the balance of the public interest factors the Board must consider under § 4(c)(8) of the Act both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank, nor the acquisition of Agency should be made 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 Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective February 6, 1976.

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

[FR Doc.76-4467 Filed 2-13-76;8:45 am]

OLD KENT BANK OF KENTWOOD

Order Approving Application for Acquisition of Assets of and Assumption of Liability To Pay Deposits in Branch

Old Kent Bank of Kentwood, Kentwood, Michigan ("Bank") a de novo State member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act [12 U.S.C. § 1828(c)], of the acquisition of the assets of and the assumption of the liability to pay deposits in The Woodland Mall Branch ("Branch") of Old Kent Bank and Trust Company, Grand Rapids, Michigan, a banking subsidiary of Old Kent Financial Corporation ("Corporation"), also located in Grand Rapids, Michigan. Upon consummation of the transaction, Branch will become a subsidiary bank of Corporation and acquire the name of Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been duly published, and the Board has requested reports on the competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board also has considered the application in light of the factors set forth in the Act.

On the basis of the facts in the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of Corporation to acquire Bank, provided that Bank's acquisition of the assets of and assumption of the liability to pay deposits made in Branch shall be made neither (a) before the thirtieth calendar day following the date of this Order, nor (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 9, 1976.

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

[FR Doc.76-4468 Filed 2-13-76;8:45 am]

OLD KENT FINANCIAL CORP.

Order Approving Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act [12 U.S.C. § 1842(a)(3)] to acquire 100 percent of the voting shares of Old Kent Bank of Kentwood, Kentwood, Michigan ("Bank"), a proposed new bank. Bank is being organized for the primary purpose of taking over the business presently being carried on by The Woodland Mall Branch of Old Kent Bank and Trust Company ("Old Kent Bank"), Grand Rapids, Michigan, an existing subsidiary bank of Applicant. Accordingly, the present proposal is part of a plan whereby an existing branch of one of Applicant's subsidiaries would be converted into a full service bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 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, including those submitted by Kentwood National Bank, Kentwood, Michigan ("Protestants"), and by the Commissioner of the Financial Institutions Bureau of the State of Michigan, in light of the factors set forth in § 3(c) of the Act [12 U.S.C. § 1842(c)].

Applicant, the sixth largest banking corporation in Michigan, controls four banks[1] with aggregate deposits of $901.9 million, representing approximately 3.1 per cent of total deposits held by commercial banks in the State.[2] Inasmuch as Bank will be assuming the business of an existing branch of one of Applicant's subsidiaries, the establishment of Bank as a de novo banking subsidiary of Applicant would neither immediately increase Applicant's share of deposits nor alter its rank in Michigan.

The Woodland Mall Branch of Old Kent Bank (deposits of $3.4 million) is presently located in Kentwood, Michigan, a suburb of Grand Rapids and, upon assuming the business of the branch, Bank will be competing in the Grand Rapids banking market.[3] Through the Old Kent Bank, Applicant controls $807.3 million in deposits, representing approximately 49 per cent of total deposits held by commercial banks in that market, and thereby ranks as the largest banking organization in the relevant banking market. The second largest banking organization in the relevant banking market controls approximately 22.8 per cent (as of June 30, 1974) of total market deposits and is also the eleventh largest banking organization in the State. In addition, the market's third largest banking organization controls approximately 20.3 per cent (as of June 30, 1974) of total market deposits and is the second largest banking organization in the State. Thirteen other banking organizations, including the State's first, fifth, and tenth largest banking organizations, are also represented in the relevant banking market.

Although Applicant has banking offices located within the relevant banking market, its only presence within the city of Kentwood proper is The Woodland Mall Branch of Old Kent Bank. Several other banking organizations also operate banking offices within the city proper. Inasmuch as Applicant is seeking to convert a branch of Old Kent Bank into a de novo subsidiary bank of Applicant and the transaction is merely a part of an internal corporate reorganization, it appears that consummation of Applicant's proposal would not have any significant adverse effects upon existing or potential competition in the relevant market. Moreover, on the basis of the facts of record, it appears that consummation of this proposal would not significantly alter

[2] Voting for this action: Chairman Burns and Governors Holland, Jackson and Partee. Absent and not voting: Governors Mitchell, Wallich and Coldwell.

[1] Voting for this action: Vice Chairman Mitchell and Governors Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governors Holland and Wallich.

[1] In addition, by Order dated October 2, 1975, the Board approved the applications by Applicant, filed pursuant to § 3(a)(3) of the Act, to acquire 100 per cent of the voting shares of Old Kent Bank of Grandville, Grandville, Michigan, and Old Kent Bank of Wyoming, Wyoming, Michigan, both proposed new banks. [1975 Federal Reserve *Bulletin* 813; 40 F.R. 46836O (1975)].

[2] All banking data are as of June 30, 1975, unless otherwise indicated.

[3] The relevant banking market is the Grand Rapids banking market, which is approximated by the Grand Rapids RMA.

the structure of banking in the market nor materially alter Applicant's competitive position therein.

In its analysis of this application, the Board has also considered the objection received from a protesting party.[4] Protestant, Kentwood National Bank (deposits of $4.1 million) is the only unit bank that is located within the corporate limits of the city of Kentwood and, under Michigan law, is the only bank with branching privileges that is presently located in that city. Protestant is a small, recently chartered independent bank that has been operating for approximately two years and, although it has recently received approval to establish a branch within Kentwood, that branch has not yet been opened. Generally speaking, Protestant claims that consummation of the transaction would have adverse competitive effects in that it would likely: (1) increase concentration in the market; (2) adversely affect the possibility of eventual deconcentration of the market; and (3) adversely affect the competitive position of a smaller, recently opened bank.

With respect to the first and second contentions of Protestant, the Board is unable to conclude from the facts of record that consummation of this proposal in and of itself would result in an increase in the concentration of banking resources within the Grand Rapids banking market or lessen the likelihood that the market would become less concentrated in the future. As noted above, the subject proposal is essentially a corporate reorganization in which an existing branch of Old Kent Bank will be "spun off" into a de novo subsidiary of Applicant. Consummation of the proposal would not have *any* effect on the amount of deposits under the control of Applicant and, therefore, it would not alter the concentration level within the market. Moreover, Bank will take over the present office of Old Kent Bank in Kentwood and continue banking operations from that site. Thus, this proposal would not result in the preemption of a banking site. Furthermore, given the prospects for continued growth in and around Kentwood, as well as the entire Grand Rapids market, it does not appear that consummation of Applicant's proposal would raise significant barriers to entry from organizations not presently represented in Kentwood or in the Grand Rapids market.

Turning to Protestant's final contention, namely, that consummation of the proposal would adversely affect its competitive position, the record indicates that the projected growth of the Kentwood area should be able to sustain the growth and profitability of both Protestant and Bank. The city of Kentwood, which is adjacent to the city of Grand Rapids, has a population in excess of 27,000. The city is primarily residential but has shown significant growth as a result of the expansion of metropolitan Grand Rapids. In addition, ample employment opportunities are being offered by business and industry, both of which are assuming greater importance in the area. In view of the economic prospects for the area, as well as Protestant's overall sound financial condition, it does not appear that Protestant would be placed at a serious competitive disadvantage vis a vis Bank as a result of this proposal.[5]

On the basis of the foregoing and the facts of record, including the submissions of both Protestant and the Commissioner of the Michigan Financial Institutions Bureau, the Board concludes that consummation of the proposed acquisition would not have significantly adverse effects upon existing competition nor would it foreclose the development of future competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. Bank's future prospects as a subsidiary of Applicant appear favorable. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Although Bank will be serving its customers as a relatively small banking subsidiary of Applicant, rather than as a branch of Old Kent Bank, it appears that considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be consistent with 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 nor (b) later than three months after that date, and (c) Old Kent Bank of Kentwood, Kentwood, Michigan, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described above in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[6] effective February 9, 1976.

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

[FR Doc.76-4469 Filed 2-13-76;8:45 am]

[4] The State of Michigan's Department of Commerce, Financial Institutions Bureau, issued approval on July 22, 1974, for the organization of Bank as a de novo subsidiary of Applicant. In a letter to the Bureau dated July 29, 1974, Protestant requested a reconsideration of that decision. Accordingly, a public hearing was held on October 16, 1974, before the Bureau, in which hearing a transcript was made, formal testimony was heard and exhibits were presented. Thereafter, on May 14, 1975, the Bureau issued an order affirming the approval of the previous de novo application. In a letter to the Federal Reserve Bank of Chicago, dated September 4, 1975, the Bureau, in response to that Bank's request for comments on the pending application, stated that it supported the subject application.

[5] As part of this proposal, Bank would become a State member bank of the Federal Reserve System and any additional branches that it may wish to open in the future could be established only with prior Board approval.

[6] Voting for this action: Vice Chairman Mitchell and Governors Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governors Holland and Wallich.

[1] All banking data are as of June 30, 1975, unless otherwise indicated.

SOUTHERN BANCORPORATION, INC.

Order Approving Acquisition of Imperial Finance Company, Inc.

Southern Bancorporation, Inc., Greenville, South Carolina ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under § 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly all of the assets of Imperial Finance Company, Inc., Sumter, South Carolina ("Company"), through its wholly-owned subsidiary, World Acceptance Corporation, Greenville, South Carolina ("World Acceptance"). Company engages in the activities of making installment loans to individuals and acting as agent in the sale of credit-related life, accident and disability insurance. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 2114). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the fifth largest banking organization in South Carolina, controls two banks with deposits of approximately $270 million, representing approximately 7 per cent of the total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries are engaged in consumer finance and related credit insurance activities.

World Acceptance, with total assets of $6.1 million, is engaged in making personal installment loans to individuals through 52 branch offices located in South Carolina, Georgia, and Texas. In addition, it sells credit-related life, accident and health, and property and casualty insurance through offices located in South Carolina and Georgia. The Board approved Applicant's acquisition of World Acceptance at the time it granted approval of formation of Applicant in September 1973.

Company, with total assets of $110,494 (as of July 31, 1975), has operated one

office, in Sumter, South Carolina, since December 31, 1971. It engages in making direct loans on an installment basis, primarily to individuals residing within a 10-mile radius of Sumter. Company also provides life and accident and health insurance relating to the extension of credit. Applicant proposes that upon consummation of this proposal Company will also engage in the sale of credit-related property and casualty insurance.

The relevant geographic market is approximated by Sumter County, South Carolina. The record indicates that consummation of this proposal would eliminate some slight degree of existing competition between Company and Applicant's subsidiary, World Finance Company of Sumter, South Carolina ("World Finance"), a subsidiary of World Acceptance, in the relevant market wherein the market share held by each approximates 1.1 percent and 1.2 percent, respectively. However, the elimination of existing competition appears negligible in view of the fact that, upon consummation of this proposal, Applicant would control only 2.3 percent of the personal loan market, and 18 competing consumer finance companies (including several national and regional companies), as well as four commercial banks and a number of credit unions would remain in the market. In view of the large number of competitors in the market and the relatively small size of the operations of Company and World Finance in this area, it appears that no significant adverse effects on future competition would result from the proposal. On this basis, the Board concludes that Applicant's acquisition of Company would not have significant adverse effects on either existing or future competition nor raise barriers to entry by other organizations.

In considering this application, the Board has examined a covenant not to compete contained in an agreement of sale executed between World Finance and Company. The Board finds that the provisions of this covenant are reasonable in duration, scope, and geographic area and are consistent with the public interest.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Applicant anticipates that the proposed affiliation will enable Company to offer higher risk loans and, as hereinbefore stated, proposes to exand the insurance activities of Company by introducing credit-related property and casualty insurance. These new services provide benefits to the public, which in the Board's opinion, outweigh any slightly adverse effects the proposal might have on existing competition in the relevant area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of § 4(c)(8) of the Act, that Applicant's acquisition of Company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company, or any of its subsidiaries, as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not 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 Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 9, 1976.

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

[FR Doc.76-4470 Filed 2-13-76;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governors Holland and Wallich.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-13)]

NASA SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA Space Program Advisory Council will meet on March 3 and 4, 1976, in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting, to be held from 9:00 A.M. to 4:30 P.M. on March 3, 1976, and from 9:00 A.M. to noon on March 4, 1976, is open to the public. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently eighteen members on the Council and additional members on four standing committees which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

March 3, 1976

Item and time	*Topic*
1. 9:00 a.m.	*Opening remarks.* This time is provided for the Chairman's introductory remarks and for the executive secretary to cover administrative matters.
2. 9:15 a.m.	*Study of future program issues.* SPAC will initiate a study of space program goals, objectives, and future program directions. The "Outlook for Space" study will be summarized and future program issues identified by NASA. SPAC will be asked to consider these issues; identify other issues not listed by NASA, and provide its recommendations to NASA.
Noon	*Lunch.*
3. 1:30 p.m.	*Fiscal year 1977 budget proposal.* NASA will review the fiscal year 1977 budget submitted for congressional approval and discuss its implications.
4. 2:30 p.m.	*Special space program issues.* Special space program issues whose consideration is now timely will be presented to the Council. SPAC will be asked to comment and provide appropriate recommendations. The specific topics to be discussed are: (a) Thematic mapper and landsat followon; (b) space telescope and space astronomy institute; and (c) spacelab plans.
4:30 p.m.	*Adjourn.*

March 4, 1976

5. 9:00 a.m.	*Program Update.* Highlights of space program events and activities since the last meeting will be summarized.
6. 10:00 a.m.	*SPAC Committee reports.* This time is provided for reports of the 4 standing committees on matters they have considered since the last SPAC meeting.
Noon	*Adjourn.*

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

FEBRUARY 10, 1976.

[FR Doc.76-4435 Filed 2-13-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

FEBRUARY 10, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 11, 1976 through February 20, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-4446 Filed 2-13-76;8:45 am]

[Rel. No. 12089 (SR-NSE-75-7)]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

FEBRUARY 9, 1976.

On December 17, 1975, the Midwest Stock Exchange, 120 S. La Salle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Act Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change defines and limits specialists' liability on split orders while awaiting a report from the selling or buying broker.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11950 (December 23, 1975)) and by publication in the FEDERAL REGISTER (41 FR 838 (January 5, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 17, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-4449 Filed 2-13-76;8:45 am]

[Rel. No. 12095; (SR-NYSE-75-7)]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

FEBRUARY 10, 1976.

On October 22, 1975, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005 ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposal contained amendments to NYSE Rules 127 and 97 which redefine a block to be at least 10,000 shares or a quantity of stock having a market value of $200,000.00 (whichever is less), and would allow a member holding a block order to trade, under certain circumstances, with the exposed bid (or offer) prior to crossing the block.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-11788, November 3, 1975) and by publication in the FEDERAL REGISTER (40 FR 52124, November 7, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 22, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-4450 Filed 2-13-76;8:45 am]

[File No. 500-1]

OMEGA-ALPHA, INC.

Notice of Suspension of Trading

FEBRUARY 10, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Omega-Alpha, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:35 p.m. (EST) on February 10, 1976 through February 19, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-4448 Filed 2-13-76;8:45 am]

[Release No. 34-12086; File No. SR-PSE-76-6]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 30, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated (the "Exchange") proposes to increase the monthly dues payable by its members and member firms from One Hundred Fifty Dollars ($150.00) per month to Two Hundred Fifty Dollars ($250.00) per month. This increase constitutes the proposed rule change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed change is as follows:

The proposed increase in monthly dues payable by members and member firms of the Exchange is intended to generate additional revenues to meet rising expenses. The increase is consistent with increased expenses incurred by the Exchange in connection with its administration and operations.

The proposed rule change, by increasing the monthly dues payable by members and member firms of the Exchange, reflects the increased administrative and operational expenses of the Exchange and relates to the equitable allocation of dues, fees and other charges among its members and member firms.

Comments on the proposed rule change have not been solicited from Exchange members and member firms, and none have been received.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All

submissions should refer to the file number referenced in the caption above and should be submitted on or before March 18, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 9, 1976.

[FR Doc.76-4415 Filed 2-13-76;8:45 am]

[Rel. No. 19381; (70-5801)]

SOUTHERN CO., ET AL.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and Dealers in Commercial Paper; Exception From Competitive Bidding

In the matter of the Southern Co., P.O. Box 720071, Atlanta, Georgia 30346; Alabama Power Co., P.O. Box 2641, Birmingham, Alabama 35291; Gulf Power Co., P.O. Box 1151, Pensacola, Florida 32502; Mississippi Power Co., P.O. Box 4079, Gulfport, Mississippi 39501.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and three of its wholly owned electric utility subsidiary companies, Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi") have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 6(b), 7 and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern, Alabama, Gulf and Mississippi propose to borrow from banks and to issue and sell commercial paper from time to time on or before March 31, 1977 in the following maximum aggregate principal amounts:

Company:	*Amount of proposed borrowing (millions)*
Southern	$65
Alabama	425
Gulf	65
Mississippi	68

Banks within the states of Alabama, Florida and Mississippi ("local banks") have made commitments to lend to Alabama, Gulf and Mississippi respectively, up to certain amounts which will be filed by amendment. Any additional bank borrowings by Alabama, Gulf or Mississippi will be from banks located outside the state in which each company operates. Such banks and the maximum amount to be borrowed from each will be filed by amendment. No such commitments have been made to Southern.

Southern (HCAR No. 18924), Alabama (HCAR No. 18923) and Gulf and Mississippi (HCAR No. 18901) have authority to effect short-term borrowings on or before March 31, 1976 in excess of the amounts allowed by the first sentence of Section 6(b) of the Act. It is estimated that as of March 31, 1976 Alabama and Gulf will have, respectively, $66,500,000 and $11,700,000 of short-term notes outstanding, and Southern and Mississippi will have no short-term notes outstanding. Thus, as of March 31, 1976, the outstanding short-term debt of each company will be within the limits permitted by Section 6(b).

Alabama, Gulf and Mississippi propose that from and after the effective date of the Commission's order in this matter to March 31, 1977, the exemption be increased to permit the issuance and sale of the notes to banks and commercial paper notes up to the maximum aggregate principal amounts listed above. Southern proposes, unless otherwise authorized by the Commission, that from and after the effective date of the Commission's order in this matter to the earlier of (1) March 31, 1977 or (2) the closing date of the proposed sale of interim notes (File No. 70-5797) or the sale of common stock (File No. 70-5796), whichever last occurs, Southern be permitted to issue and sell such short-term notes up to the maximum aggregate principal amount listed above.

The bank borrowings will be evidenced by notes to be dated the date of the borrowing and to mature not more than one year after the date of issue (but in no event later than June 30, 1977) in the case of Southern and not more than nine months after the date of issue in the cases of Alabama, Gulf and Mississippi. Each note evidencing bank borrowing will bear interest at an effective rate per annum in effect at the lending bank customary for companies similar to the applicants and will be prepayable, in whole or in part, without penalty or premium. Alabama, Gulf and Mississippi each maintain with the local banks from which borowings will be made average daily operating balances adequate to meet the requirements of such banks in respect of their services to such companies. Although no arrangements have yet been made as to borrowings from non-local banks, it may reasonably be expected that such banks will require the maintenance of balances and/or fees in lieu of balances in respect of any such borrowings. If balances were to be maintained solely for the purpose of satisfying such a compensating balance requirement at the currently prevailing rate of 20%, the effective interest cost of the related borrowings, based on the currently prevailing prime rate of 6.75%, would be 8.44% per annum.

Southern, Alabama, Gulf and Mississippi also propose from time to time through March 31, 1977, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commerical paper. The commercial paper notes will have varying maturities of not more than 270 days after the date of issue and will be sold in varying denominations of not less than $50,000 and not more than $5,000,000 and will not by their terms be prepayable prior to maturity. The commercial paper will be sold directly to or through the dealers at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable qualities and like maturities. No commercial paper note will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issues could borrow from banks.

Except for a commission not to exceed ⅛ of 1% per annum payable to the dealer in respect of commercial paper sold through the dealer as agent for the issuer, no commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing interest rate to the issuer. The commercial paper of the issuer will be reoffered to not more than 200 customers of the dealer identified and designated in a non-public list prepared in advance by the dealer. No addition will be made to such list of customers without the approval of the Commission. The names of the dealers are: The First Boston Corporation for Southern; Lehman Brothers Commercial Paper, Inc. for Alabama; and A. G. Becker & Co. Incorporated for Gulf and Mississippi.

Southern, Alabama, Gulf and Mississippi further propose that each may from time to time borrow from the trust departments of commercial banks in lieu of borrowings or sales of commercial paper. Trust department borrowings will be made in each case pursuant to a master note agreement with the lending trust department and will bear interest at a rate or rates per annum equivalent to the rate currently charged by such trust department to other borrowers for similar borrowings, provided that such interest rate shall not exceed the discount rate currently quoted from time to time on directly placed commercial paper of 90 to 180 day maturities issued by one or more financial credit companies as specified in the applicable master note agreement. No master note shall remain due later than 12 months in the case of Southern or 9 months in the case of Alabama, Gulf and Mississippi from the date of issuance thereof. Each trust department will have the right to demand payment of all or any part of the outstanding principal on any master note, and such principal will be prepayable at any time without penalty. Each master note agreement will be terminable by either party upon 30 days' notice.

Southern will use proceeds of the bank notes and commercial paper notes together with treasury funds and proceeds from the planned sales of interim notes and common stock, to make capital contributions to Alabama, Georgia Power Company ("Georgia"), Gulf and Mississippi, to make loans to Southern Services, Inc., and to pay such notes when due. Southern proposes to make capital contributions as follows: $150,000,000 to Alabama; $50,900,000 to Georgia;

$14,000,000 to Gulf; and $10,000,000 to Mississippi. Of such amounts, $52,650,000 ($50,900,000 to Georgia and $1,750,000 to Gulf) have been authorized by the Commission (HCAR No. 18924, April 9, 1975). Southern also proposes to increase the amount of such capital contributions by up to $20,000,000 should the proceeds from its proposed sale of common stock exceed $150,000,000 as follows: up to $15,000,000 to Alabama, up to $3,000,000 to Gulf and up to $2,000,000 to Mississippi. Southern's bank notes and commercial paper notes are expected to be retired from the proceeds of any sale of Southern's common stock or from internal cash resources.

Alabama, Gulf and Mississippi will use the proceeds from the sales of bank notes and commercial paper to reimburse their treasuries for part of the expenditures for their construction programs and to pay at maturity outstanding bank notes and commercial paper notes incurred for such purpose. The bank notes and commercial paper will be retired from internal cash resources or from the net proceeds of any long-term financing.

The applicants-declarants request exception from the competitive bidding requirements of Rule 50 in connection with the sale of commercial paper notes pursuant to clause (a)(5)(B) thereof. It is stated, in this connection, that (a) all commercial paper which they propose to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as applicants-declarants, are published daily in financial publications, and (c) it is not practical to invite invitations for bids for commercial paper.

Fees and expenses to be incurred by Southern in connection with the proposed transactions are estimated at $3,400, including legal fees of $2,500; Alabama's fees are estimated at $3,400, including legal fees of $2,500; Gulf's fees are estimated at $1,400 including legal fees of $500; and Mississippi's fees are estimated at $1,400, including legal fees of $500.

The Alabama Public Service Commission has authorized the issuance of notes to banks and the issuance of commercial paper by Alabama. The Florida Public Service Commission has jurisdiction over the issuance of notes to banks and the issuance of commercial paper by Gulf. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Each applicant hereby requests authority to file certificates of notification under Rule 24 on a quarterly basis by the last day of the month following the closing of each calendar quarter.

Notice is further given that any interested person may, not later than March 5, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4451 Filed 2-13-76;8:45 am]

[File No. 500-1]

W. T. GRANT CO.

Notice of Suspension of Trading

FEBRUARY 10, 1976.

The common stock of W. T. Grant Company being traded on the New York Stock Exchange, the Boston Stock Exchange and the Midwest Stock Exchange, the 4¾% sinking fund debentures due 1987, the 4% convertible subordinated debentures due 1990, and the 4¾% convertible subordinated debentures due 1996 listed on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of W. T. Grant Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 9:50 a.m. (EST) on February 10, 1976 through February 19, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4447 Filed 2-13-76;8:45 am]

UNITED STATES SINAI SUPPORT MISSION

[Delegation of Authority 1]

DIRECTOR, SINAI FIELD MISSION

Delegation of Authority Regarding General Administrative Functions

Pursuant to the authority vested in me by Executive Order 11896, issued January 13, 1976, I hereby delegate the following functions and authorities to the Director, Sinai Field Mission, to be exercised at the Sinai Field Mission:

1. Approve and authorize travel and hospitalization related to medical evacuation.
2. Approve and authorize TDY travel.
3. Authorize and issue GTR's.
4. Approve travel advances.
5. Approve travel vouchers.
6. Approve and authorize local expenditures for administrative support or emergency purposes when not provided by the contractor.
7. Sign Time and Attendance cards.
8. Approve and authorize premium compensatory work.

The functions and authorities delegated herein may be redelegated.

This delegation of authority is effective immediately.

Dated: February 6, 1976.

C. WILLIAM KONTOS,
Director, United States Sinai Support Mission.

[FR Doc.76-4428 Filed 2-13-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 4, 1976, at 9:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall be Federal Building, Room 303 575 North Pennsylvania Street, Indianapolis, Indiana, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in United Systems, Inc., 1600 West Oliver Avenue, Indianapolis, Indiana, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 12, 1976.

JAMES D. CROWE,
Director, VA Regional Office.

[FR Doc.76-4646 Filed 2-13-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 9th day of February, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Feb. 9, 1976

Name of applicant	Location of enterprise	Principal product or activity
Cortland Memorial Hospital	Cortland, N.Y.	Inpatient and outpatient hospital services.
Marion A. and Sheila C. McCoy	Ripley, W. Va.	Restaurant.
Andrew O. Goldstrom III, dba. Masontown Block Co.	Masontown and Reedsville, W. Va.	Concrete block.
Minerals Exploration Co., Ltd.	Marion, Ky.	Mining and washing of fluorspar ore.
O's Gold Seed Co. (tenant to the Farmer City).	Farmer City, Ill.	Seed corn processing and distribution plant.
Heartland Chemicals, Inc. (tenant to the Farmer City).	do.	Agricultural chemicals-herbicides and insecticides.
Uniflite, Inc.	Bellingham, Wash., and Swansboro, N.C.	Manufacture reinforced plastic power/sail boats.
Bridgewater Mill Mall, Inc.	Woodstock, Vt.	Lease space for commercial and light industrial tenants.
Edward J. Roy and Stuart J. Steele, dba. Hampshire Village Group.	Jaffrey, N.H.	Nursing home.
B. F. Millis & Sons	Sneeds Ferry, N.C.	Fresh and frozen seafood.
Bone International, Inc.	Rocky Mount, N.C.	Sales and service of farm equipment.
Laurel Hill Nursing Center, Inc.	Pickens, S.C.	Nursing service.
Groovfold, Inc.	Newcomerstown, Ohio.	TV cabinets and occasional tables.
Brittany Furniture (tenant to Paoli)	Paoli, Ind.	Manufacturing upholstered furniture.
Creative Multigraphics, Inc.	Jonesboro, Ark.	Commercial printing.
Hub, Inc.	Green River, Wyo.	Restaurant, bar, retail liquor sales.

[FR Doc.76-4462 Filed 2-13-76;8:45 am]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated December 4, 1975 from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted proof documents concerning Subpart R § 1910.265 of Part 1910, Title 29, Code of Federal Regulations. These standards, which are contained in Chapter 16 of the Oregon Safety Code for Places of Employment, were promulgated by the State after Notice of Intent was published in the Department of State's Administrative Rules Bulletin Vol. 14, No. 8, dated October 15, 1974. No request for a public hearing was received.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly are hereby approved. The detailed standards comparison is available at the locations specified below:

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR § 1953.2(c) of this chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be

consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective February 17, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 19th day of January, 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-4492 Filed 2-13-76;8:45 am]

Office of the Secretary

[TA-W-353]

ALLEGHENY LUDLUM STEEL CORP., DUNKIRK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-353: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing specialty steel at the Dunkirk, New York plant of the Bar Products Division of Allegheny Ludlum Steel Corporation, a division of Allegheny Ludlum Industries Inc., Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 9, 1975 (40 FR 57408). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum Steel Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 34 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined 7 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Dunkirk plant declined 54 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Production declined 53 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased Imports Contributed Importantly. Imports of speciality steels increased from 120.0 thousand net tons in the first three quarters of 1974 to 142.9 thousand net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and production increased from 11.0 percent and 10.8 percent, respectively in the first three quarters of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

The evidence developed by the Department's investigation indicates that customers of the Bar Products Division of Allegheny Ludlum Steel Corporation reduced purchases from that division due to the lower price of imported specialty steel products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Dunkirk, N.Y. plant contributed importantly to the total or partial separations of the workers of that plan. In accordance with the provisions of the Act, I make the following certification:

All hourly, and salaried workers engaged in employment related to the production of specialty steel at the Dunkirk, N.Y. plant of Bar Products Division of the Allegheny Ludlum Steel Corporation, a division of Allegheny Ludlum Industries Inc., who became totally or partially separated from employment on or after December 24, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4497 Filed 2-13-76;8:45 am]

[TA-W-354]

ALLEGHENY LUDLUM STEEL CORP., WATERVLIET, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-354: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing specialty steel at the Watervliet, New York plant of the Bar Products Division of Allegheny Ludlum Steel Corporation, a division of Allegheny Ludlum Industries Inc., Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegheny Ludlum Steel Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibiltiy requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 7 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined 8 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased absolutely. Sales at the Watervliet plant declined 52 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Production declined 25 percent in the first three

quarters of 1975 compared to the first three quarters of 1974.

Increased Imports Contributed Importantly. Imports of speciality steel increased from 120.0 thousand net tons in the first three quarters of 1974 to 142.9 thousand net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and production increased from 11.0 percent to 10.8 percent, respectively in the first three quartents of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

The evidence developed by the Department's investigation indicates that customers of the Bar Products Division of Allegheny Ludlum Steel Corporation reduced purchases from that division due to the lower price of imported specialty steel products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Watervliet, N.Y. plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, and salaried workers engaged in employment related to the production of specialty steel at the Watervliet, N.Y. plant of Bar Products Division of the Allegheny Ludlum Steel Corporation, a division of Allegheny Ludlum Industries Inc., who became totally or partially separated from employment on or after February 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4498 Filed 2-13-76;8:45 am]

[TA-W-308]

HARRY IRWIN, INC., NEW YORK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-308: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975, in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and overcoats at Harry Irwin, Inc., New York, N.Y.

The notice of investigation was published in the Federal Register on November 19, 1975 (40 FR 53643). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harry Irwin, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Harry Irwin declined 17 percent in 1974 from 1973. The average number of production workers declined 25 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Harry Irwin declined 25 percent in 1974 compared to 1973. Production declined 3 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of men's suits increased relative to domestic consumption and production in each year from 1971 through 1973, then declined slightly in 1974. In the first seven months of 1975, imports increased 131 percent compared to the same period in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market in each year from 1971 to 1974. The imports to domestic production ratios increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's overcoats like or directly competitive with those produced at Harry Irwin decreased in 1974 from 1973, and in the first nine months of 1975 compared to the first nine months of 1974. However, overcoat production at Harry Irwin amounted to only 20 percent of total production. Employees at Harry Irwin are engaged in employment related to the production of all articles of clothing and are not classified by individual product.

The evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas. Major customers of Harry Irwin have switched to less expensive imported men's clothing with greater styling appeal to consumers. This has resulted in decreased production and increased employee separations at the Irwin plant during 1974 and 1975 to the present.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the New York, New York plant of Harry Irwin, Incorporated contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers of Harry Irwin, Incorporated, New York, New York who became totally or partially separated from employment on or after October 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of January 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-4493 Filed 2-13-76;8:45 am]

[TA-W-312]

HILTON MANUFACTURING CO., LINDEN, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-312: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on November 5, 1975 which was filed by the Amalgamated Clothing Workers of America (ACWA) on behalf of workers and former workers producing suits, sportcoats, and trousers at Hilton Manufacturing Company, Linden, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 53643) on November 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hilton Mfg. Co., customers of Hilton, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 20 percent in 1974 from 1973, and remained stable in the first eleven months of 1975 compared to the same period of 1974. Average weekly hours worked by production workers declined 13 percent in the first eleven months of 1975 compared to the first eleven months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Total sales of Hilton Mfg. Co. declined in value 49 percent from 1973 to 1974, and decreased 10 percent during the first ten months of 1975 compared to the same period of 1974. Hilton's production lecreased in unit terms 57 percent from 1973 to 1974, and dropped 15 percent the first ten months of 1975 compared to the first ten months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits have increased relative to domestic consumption and production in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent respectively were well above the 1971–1973 average of 8.6 percent and 7.8 percent respectively. In the first 7 months of 1975 imports of men's and boys' suits increased 131 percent compared to the first 7 months of 1974. The ratio of imports to domestic production increased from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 percent respectively in 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent respectively in 1972 to 19.7 percent and 16.4 percent respectively in 1974. In the first seven months of 1975 imports of men's and boys' tailored trousers increased 29 percent compared to the first seven months of 1974.

Declining sales to retailers by Hilton Clothes, Inc., the selling arm of Hilton Mfg. Co., were related to increasing purchases of imported apparel by the retailers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with suits, sportcoats, and trousers produced at Hilton Mfg. Co., Linden, New Jersey contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of suits, sportcoats, and trousers at Hilton Manufacturing Company, Linden, New Jersey, who became totally or partially separated from employment on or after October 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4494 Filed 2-13-76;8:45 am]

[TA-W-316]

MCKAY MANUFACTURING CORP., MANCHESTER, NEW HAMPSHIRE

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-316: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's topcoats and overcoats at the McKay Manufacturing Corporation, Manchester, New Hampshire.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 52645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mister Coats, Inc. (the parent firm), the Department of Commerce, the International Trade Commission and the Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Imports of men's and boys' coats and jackets, except suit type coats, not knit, have declined 11 percent from 1973 to 1974 and decreased 7 percent in the first 10 months of 1975 compared to a like period in 1974.

The import/production and import/consumption ratios decreased from 31.1 percent and 23.7 percent to 26.1 percent and 20.7 percent, respectively between 1973 and 1974.

Conclusion. After careful review of the facts obtained in the investigation I conclude that a significant number or proportion of the workers of McKay Manufacturing Corporation have not become, and are not threatened with becoming, totally or partially separated from employment at that firm as required in Section 222 of the Trade Act of 1974.

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

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4495 Filed 2-13-76;8:45 am]

[TA-W-317]

SPERRY UNIVAC, UTICA, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-317: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on November 5, 1975

which was filed by workers and former workers producing punch and die assemblies, a component of electronic data processing equipment, at the Utica, New York plant of the Sperry UNIVAC division of Sperry Rand Corporation, New York, New York.

The notice of investigation was published in the Federal Register on November 21, 1975 (40 FR 54320). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sperry UNIVAC, the U.S. Department of Commerce, the U.S. International Trade Commission, the Electrionics Industry Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligiblity requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Utica plant declined 11.5 percent in the first nine months of 1975 compared to the like period in 1974. Employment related to the production of punch and die assemblies for computer equipment declined 95 percent in the fourth quarter of 1975 compared to the first quarter of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production of equipment utilizing punch and die assemblies at the Utica plant declined 32.8 percent in the second and third quarters of 1975 compared to the like period of 1974. Production of punch and die assemblies at the Utica plant ceased in the second quarter of 1975.

Increased Imports Contributed Importantly. Sperry UNIVAC manufactured all punch and die assemblies for its own production requirements. These assemblies were uniquely designed for use in Sperry UNIVAC computer equipment.

Sperry UNIVAC's production of computer equipment utilizing punch and die assemblies declined during 1975 because of adverse domestic economic conditions.

Reduced demand for computer equipment resulted in uneconomical production levels of punch and die assemblies at the Utica plant. Sperry's foreign subsidiary manufactured identical assemblies for overseas markets. To reduce manufacturing costs, the company ceased its production of punch and die assemblies at its Utica plant in the second quarter of 1975, after beginning to import identical assemblies from its foreign subsidiary in that same quarter.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with punch and die assemblies produced at the Utica plant contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of punch and die assemblies at the Utica, New York plant of the Sperry UNIVAC division of Sperry Rand Corporation, New York, New York who became totally or partially separated from employment on or after February 2, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 31st day of January 1976.

HEBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4496 Filed 2-13-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON REGULATIONS

Meeting

The next meeting of the Committee on Regulations of the Board of Directors of the Legal Services Corporation will be on Saturday, February 21, 1976, in the Board Room of the Santa Ana College, 17th and Britol, Santa Ana, California, to discuss proposed regulations. The meeting will convene at 8:30 a.m.

The meeting is open to the public.

THOMAS EHRLICH,
President.

FEBRUARY 13, 1976.

[FR Doc.76-4661 Filed 2-13-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 976]

ASSIGNMENT OF HEARINGS

FEBRUARY 11, 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 106674 Sub-169, Schilli Motor Lines, Inc., now being assigned April 7, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 124211 Sub-268, Hilt Truck Line, Inc., now being assigned April 6, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 135078 Sub-3, American Transport, Inc., now being assigned April 8, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 138144 Sub-6, Fred Olson Co., Inc., now being assigned April 12, 1976 (1 week), at Chicago, Ill., in a hearing room to be later designated.

AB 1 Sub 35, Chicago & North Western Transportation Company. Abandonment between Heron Lake & Lake Wilson, in Jackson, Nobles, Murray Counties, Minn., now assigned March 2, 1976, at Worthington, Minn., is cancelled and reassigned to March 1, 1976 (3 days), in the Courthouse, Slayton, Minn.

MC 107107 Sub 442, Alterman Transport Lines, Inc., Opa Locka, Florida, now being assigned April 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 Sub 269, Hilt Truck Line, Inc., Omaha, Nebraska, now being assigned April 13, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 48213 Sub 42, C. E. Lizza, Inc., Latrobe, Pennsylvania, now being assigned April 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 25798 Sub 277, Clay Hyder Trucking Lines, Inc., Auburndale, Fla., now being assigned April 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111729 Sub 543, Purolator Courier Corp., Lake Success, New York, now being assigned pre-hearing April 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8489, Pioneer Hauling Company, Inc., Revocation of Certificate, now being assigned April 1, 1976 (1 day), at Jefferson City, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4506 Filed 2-13-76;8:45 am]

[Notice No. 182]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 17, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commis-

sion's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 8, 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-76108. By order of February 5, 1976, the Motor Carrier Board approved the transfer U-IDA, INC., Preston, Idaho, of the operating rights in permit No. MC-135472 (Sub-No. 1) issued June 16, 1972, to Gale J. Doggett doing business as Doggett Trucking Company, Logan, Utah, authorizing the transportation of lumber and lumber mill products from points in Cache County, Utah, to points in Arapahoe, Adams, Boulder, Denver, Douglas, Elbert, El Paso, Gilpin, Jefferson, Larimer, Mogan, Pueblo and Weld Counties, Colo. Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-76207. By order entered February 5, 1976, the Motor Carrier Board approved the transfer to Acme Delivery Service, Inc., Denver, Colo., of the operating rights set forth in Certificates Nos. MC-120872 (Sub-No. 3), and MC-120782 (Sub-No. 7), issued July 2, 1965, and June 8, 1972, respectively, to Colorado Cartage Company, Inc., Denver, Colo., authorizing the transportation of general commodities, with the usual exceptions, and specified commodities, from, to, or between specified points in Colorado. Raymond B. Danks, 1600 First of Denver Plaza Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-76293. By order of February 5, 1976, the Motor Carrier Board approved the transfer to Schultz & Son Truck Line, Inc., Long Prairie, Minnesota, of Permit No. MC-128462 (Sub-No. 2), issued June 27, 1967, to Ray Schultz doing business as Schultz Truck Line, Long Prairie, Minnesota, authorizing the transportation of (1) frozen meats, and (2) meats, meat products, and meat by-products, and articles distributed by meat packinghouses from the plantsite of Prairie Packing Co., at Long Prairie, Minn., to Chicago, Ill. Gordon Rosenmeier, 72 Broadway, Little Falls, Minnesota 56345, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4507 Filed 2-13-76;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 15]

FEBRUARY 5, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-54 TA), filed January 29, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast Slurry or spent brewers yeast* in bulk, in tank vehicles, from Williamsburg, Va., to South Plainfield, N.J., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northeastern Products Company, 3500 S. Clinton Ave., South Plainfield, N.J. 07080. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, Rm 10-502, Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

No. MC 30237 (Sub-No. 30TA), filed January 21, 1976. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Virginia 24517. Applicant's representative: J. J. Eller, Jr., 513 Main Street, Box 551, Altavista, Virginia 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes*, corrugated, knocked down flat, from the plantsite and warehouse facilities of Container Corporation of America, Winston-Salem, North Carolina, to the plantsite of Transmark Operations, Appomattox County, Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Transmark Operations, Division of Thomasville Furniture Industries, Box 848, Appomattox, Virginia 24522. Container Corporation of America, Box 957, Atlanta, Georgia. 30301. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, 722 Richard H. Poff Federal Building, P.O. Box 210, Roanoke, Virginia 24011.

No. MC 56244 (Sub-No. 43TA), filed January 19, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., Post Office Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from the facilities of Heinz U.S.A. at Iowa City and Muscatine, Iowa to the distribution facilities of Heinz U.S.A. at Pittsburgh and Mechanicsburg, Pa., and Harrison, New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Heinz U.S.A. Post Office Box 57, Pittsburgh, Pa. 15230. Send protests to: Robert P. Amerine, Dist. Supv. Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 76065 (Sub-No. 31TA), filed January 28, 1976. Applicant: EHRLICH-NEWARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, between York, Pa. and Salisbury, Md. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Nicole Shirt, Ltd., 1411 Broadway, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 83835 (Sub 127TA), filed January 26, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Kansas, Oklahoma, Ohio, and Texas. *Restriction:* Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Opal M. Jones, Transportation Assistant, 1100 Com-

merce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 108053 (Sub-No. 128TA), filed January 26, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23rd Street, P.O. Box 129, Fremont, NE. 68025. Applicant's representative: Lloyd G. Sinnett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from the facilities of Columbia Foods, Inc. at or near Wallula, Washington, to points in California, Oregon, and Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers; Dirk B. Martin, Columbia Foods, Inc. P.O. Box 926, Pasco, WA. 99301. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebraska 68102.

No. MC 111729 (Sub 604TA), filed January 22, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*, (1) from Mansfield, Ohio, to Auburn, Bluffton, Brownsburg, Columbia City, Corydon, Crawfordsville, Huntington, Indianapolis, Kendallville, Muncie, Nappanee, Pendleton, Plainfield, South Bend, Wabash, and Warsaw, Ind., (2) between Manfield, Ohio; and Carmel, Ind., for 90 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interstate Business Services, P.O. Box 1028, Mansfield, Ohio 44901. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117119 (Sub 562TA), filed January 21, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark., 72728. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pigments, paint dry, paint other than dry, plastic material* (except in bulk), from Glens Falls, N.Y., to Santa Fe Springs, Los Angeles, Anaheim Vernon, Visalia, Oakland, Newark, and San Francisco, Calif., Denver, Colo., Portland and Tigard, Oreg., Seattle, Wash., and Salt Lake City, Utah, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hercules, Incorporated, One Maritime Plaza, San Francisco, Calif., 94111. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117574 (Sub-No. 274TA), filed January 8, 1976. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, Post Office Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories, and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation in Lucas County, Ohio to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Abitibi Corporation, 3250 West Big Beaver Road, Troy, Michigan 48085. Send protests to: Robert P. Amerine, Dist. Supv., Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 119118 (Sub 44TA), filed January 22, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Labrobe, Pa. 15650. Applicant's representative: Lawrence C. Maston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, in containers*, from Rochester, N.Y., to Atlantic City, N.J., and (2) *Empty malt beverage containers*, in the reverse direction, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harrison Beverage Company, 850 W. Delilah Road, Pleasantville, N.J. Send protests to: Acting District Supervisor John P. Sopko, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 119880 (Sub 77TA), filed January 23, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from DiGiorgia, Calif., to New Braunfels, Tex., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bear Mountain Winery, Steven Hair, Traffic Manager, P.O. Box 428, DiGiorgia, Calif. 93217. Send protest to: Pati A. Roscoe, Transportation Assistant, ICC–BOp, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, 60604.

No. MC 128087 (Sub 3TA), filed January 26, 1976. Applicant: JOHN N. JOHN, doing business as, JOHN N. JOHN TRUCK LINE, P.O. Box 291, Crowley, La. 70526. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, from Anse LaButte and Baldwin, La., to points in Florida, Georgia, and Tennessee, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill Incorporated, Salt Division, Cargill Building, Minneapolis, Minn. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9038 Federal Building, 701 Loyola Ave., New Orleans, La. 70113.

No. MC 128988 (Sub 77TA), filed January 28, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, from the facilities of Westinghouse Electric Corporation at or near Athens, Georgia to points in California, Oregon, Washington, Idaho, Nevada, Arizona, Utah, and Montana. Restrictions: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Penn., for 180 days. Supporting shipper: Westinghouse Electric Corporation, Rd. #5 Leger Road, North Huntingdon, Penn., 15642. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134068 (Sub 26TA), filed January 20, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 East Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: L. W. Moffit (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauces*, from the plantsite and warehouse facilities of Killoman Foods, Inc., at or near Walworth, Wis., to points in Arizona, California and Colorado, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kikkoman Foods, Inc., P.O. Box H, Walworth, Wis., 53184. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134349 (Sub-No. 17TA), filed January 28, 1976. Applicant: B. L. T. CORPORATION, 405 Third Ave., Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins and Norton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books*, loose and packaged, *materials and supplies* in connection therewith (except in bulk), for the account of Baker and Taylor Companies, between

points in New Jersey, Dunmore, Scranton, Philadelphia, and Allentown, Pa., Westminster, Md., Berryville, Va., Conklin, Binghamton, and Central Islip, N.Y., New Haven, Milford and Greenwich, Conn., Lawrence and Waltham, Mass., on the one hand, and, on the other Jersey City, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Division of W. R. Grace, Inc. Baker & Taylor Companies, 1515 Broadway, New York, N.Y. 10036. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135423 (Sub 5TA), filed January 26, 1976. Applicant: FRANKLIN GORDON, R. R. #1, Manilla, Ind. 46150. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind., 46204. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from Rushville, Ind., to Cayuga, N.Y. and York, Pa. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Cargill, Incorporated, Nutrena Feed Division, Minneapolis, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, Nutrena Feed Division, 7228 Galloway, Indianapolis, Ind., 46250. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 136321 (Sub-1TA), filed January 21, 1976. Applicant: JK EQUIPMENT CORPORATION, 151 Fulton Avenue, White Plains, N.Y. 10606. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nails, hardboard, ceiling tile, plywood, insulation board, reenforcing rods, reenforcing mesh, wire, aluminum rolls and sheets, copper rolls and sheets, construction hardware, and hardware cloth*, restricted to traffic having a prior movement by water, from points in the New York, N.Y. Commercial Zone as defined in 49 CFR 1048.1(b)(1) and (2) to White Plains and Kingston, N.Y., under a continuing contract with Miller Supply Corp., and Guardian Purchasing Corp. Supporting shippers: Guardian Purchasing Corp., 151 Fulton Avenue, White Plains, N.Y. 10606. Send protests to: Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No MC 141565 (Sub 2TA), filed January 26, 1976. Applicant: CENTRAL TRANSPORT, INC., 2904 West Second Street, Sioux Falls, S. Dak., 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial refuse containers, gravity flow boxes for farm use, hay feeders for farm use*, in specialized equipment, from Sioux Falls, S. Dak., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, New York, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wyoming under contract with Teem Enterprises, Inc., for 180 days. Supporting shipper: LuVerne K. Madsen, President, Teem Enterprises, Inc., 3509 Teem Drive, P.O. Box 1381, Sioux Falls, S. Dak. 57101. Send protests to: District Supervisor J. L. Hammon, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-4509 Filed 2-13-76;8:45 am]

[No. 36272]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES—1975

In the matter of petition for (1) investigation, findings, and order increasing certain intrastate freight rates and charges within the State of Kansas, and (2) establishment of expedited procedures to permit prompt recovery of increasing fuel costs attributable to intrastate traffic within the State of Kansas.

By joint petition authorized by section 13(3) of the Interstate Commerce Act, filed December 8, 1975, petitioners, eight common carriers by railroad[1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Kansas, request that this Commission institute an investigation of their Kansas intrastate freight rates and charges, under sections 13 and 15a of the Interstate Commerce Act, among others, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 310, *Increased Freight Rates and Charges, 1975, Nationwide*, and Ex Parte No. 313, *Increased Freight Rates and Charges—Labor Costs—1975*, and further request the extension of expedited procedures for prompt recovery of increasing fuel costs set out in Ex Parte No. 311, *Effect of Modifying Proclamation No. 3279 and Other Anticipated Energy Conservation Measures on the Operations of Carriers Subject to the Interstate Commerce Act*, to encompass the recovery of fuel costs attributable to intrastate traffic within the state of Kansas;

Petitioners contend that present interstate freight rates from, to, and within Kansas are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Kansas are not more favorable than for interstate traffic; that traffic moving under present Kansas intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Kansas intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Kansas and those in interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13(4) and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 310 and 313, *supra;*

Petitioners' request for expedited procedures for the recovery of fuel costs attributable to intrastate traffic within the state of Kansas, similar to those announced by this Commission in Ex Parte No. 311, *supra*, for interstate traffic, is premature, for the reason that such procedures have not yet been put into operation for interstate traffic from, to, and within the state of Kansas;

Under section 13(4) of the Interstate Commerce Act and judicial authority[2], this Commission is directed to institute an investigation on the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, whether or not theretofore considered by any state agency or authority and without regard to the pendency of any such cases before any State agency or authority;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted to the extent that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Kansas intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 310 and Ex Parte No. 313, *supra.;* and to determine if any rates or

[1] The Atchinson, Topeka and Santa Fe Railway Company; Chicago, Rock Island and Pacific Railroad Company; Union Pacific Railroad; Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company; Missouri-Kansas-Texas Railroad Company; Burlington Northern Inc.; The Garden City Western Railway Company; and The Kansas City Southern Railway Company.

[2] See *Intrastate Freight Rates and Charges, 1969*, 339 I.C.C. 670 (1971), affirmed *sub nom. State of N.C. ex rel North Carolina Utilities Com'n v. I.C.C.*, 347 F. Supp. 103 (F.D.N.C., 1972), affirmed *sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission et al.*, 410 U.S. 919 (1973).

charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That the petition, insofar as it requests implementation of procedures for intrastate traffic within the state of Kansas similar to those announced by this Commission in Ex Parte No. 311, *supra,* be, and it is hereby, denied, for the reason that it is brought prematurely.

It is further ordered, That all common carriers by railroad operating in the State of Kansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expenses, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Kansas be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Kansas and the State Corporation Commission of the State of Kansas, Topeka, Kansas; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Commissioner Hardin.

Dated at Washington, D.C., this 9th day of February, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4508 Filed 2-13-76;8:45 am]

[Notice No. 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE:

FEBRUARY 10, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 29910 (Sub 166TA), filed January 26, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Gary D. Bronson, (same address above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum scrap, ingots, slabs, billets, blooms, and alumina,* between points within 3 miles of Benton, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Ohio, Michigan (lower pininsula) and points in Pennsylvania on and west or U.S. Highway 19, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcan Materials Co., One Huron Street, Sandusky, Ohio 44870. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 109708 (Sub 63TA), filed January 30, 1976. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 966, Ft. Pierce, Fla. 33450. Applicant's representative: James E. Wharton, 17th Floor, CNA Building, P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Citrus, molasses, blackstrap molasses and citrus derivatives,* in bulk, in tank vehicles, from points in Florida to Roberta, Ga. There is no environmental impact involved in this application for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, Post Office Box 6847, Atlanta, Ga. 30315. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission—BOP, Monterey Building, Suite 101, 8410 NW. 53 Terrace, Miami, Fla. 33166.

No. MC 110988 (Sub 329TA), filed January 26, 1976. Applicant: SCHEIDER TANK LINES, INC., 200 West Ceceil St., Neenah, Wis., 54956. Applicant's representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, Wis., 54306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting; *Chromic acid solution,* in hypalon-lined tanks, in bulk, from Ripley, Tenn. to Milwaukee, Wis., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operation authority. Supporting shipper: Hydrite Chemical Company, 1237 W. Bruce St., Milwaukee, Wis. 53204. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wisconsin 53203.

No. MC 112854 (Sub 36TA), filed January 26, 1976. Applicant: HOLLBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, N.Y. 14520. Applicant's representative: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Wesbster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips,* from Sodus, N.Y. to Mehoopany, Towanda and Erie, Pa., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fay R. Andrews, President BFFT Timber Products, Inc., Sodus, N.Y. 14551. Send protests to: Morris H. Gross, Dist. Supvr., Interstate Commerce Commission, Room 104, 301 Erie Blvd. West-Syracuse, N.Y. 13202.

No. MC 114897 (Sub 118TA), filed January 29, 1976. Applicant: WHITFIELD TANK LINES, INC., P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose, (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, *Sulphuric acid,* in bulk, in tank vehicles, from El Paso, Tex., to points in Saguache County, Colo., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper:

Lyle Blanton of Hereford, Inc., Box 686, Center, Colo., 81125. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 117119 (Sub 563TA), filed January 30, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. MeLean (same address as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by retail, discount department or variety stores (except commodities in bulk) from the facilities of Wesmor Shipping,. Inc., at Secauscus, N.J., to the warehouse facilities of Wal-Mart Stores, Inc. at Bentonville, Ark., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wal-Mart Stores, Inc. P.O. Box 116, Bentonville, Ark. 72712. Send protests to: District Supervisor William H. Land, Jr., 70P West Capitol, Little Rock, Ark. 72201.

No. MC 117344 (Sub 249TA), filed January 27, 1976. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-N-propyl phosphorodithoic acid*, in bulk, in tank vehicles, from Hooven, Ohio, to Murray KY, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Elco Corp., Hooven Plant, P.O. Box 67, Cleves, Ohio 45002. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118142 (Sub 112TA), filed January 27, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles*, distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report and *Descriptions in Motor Carrier's Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from points in Walla Walla County, Wash., to points in California, Colorado, Iowa, Kansas and Nebraska, for 180 days. Supporting shipper: Columbia Foods, Incorporated, P.O. Box 926, Pasco, Wash. 99301. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118142 (Sub 113TA), filed January 28, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen confectionery* (except in bulk) moving in temperature controlled equipment, from the plantsite of Jackson Ice Cream Company, Hutchinson, Kans., to Minneapolis, Minn., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Dairy Queen, Inc., 5701 Green Valley Drive, Minneapolis, Minn. 55437. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119118 (Sub 46TA), filed January 23, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Penn. 15650. Applicant's representative: Lawrence C. Maston (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers*, from Pabst, Ga., to Dayton, Ohio and *empty malt beverage containers* in the reverse direction, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Heidelberg Distributing Co., 1226 Schaeffer St., Dayton, Ohio 45404. Send protests to: Acting District Supervisor John P. Sopko, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Penn. 15222.

No MC 121470 (Sub 10TA), filed January 26, 1976. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, Tenn., 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, K.Y. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Printed hardboard, fireboard, and particle board*, from the plantsite and storage facilities of Printwood, Inc., at or near Dickson, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Tex. (2) *Equipment, materials, and supplies*, used in the manufacture of the commodities named in (1), above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plantsite and storage facilities of Printwood, Inc., at or near Dickson, Tenn. Restriction: Restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Printwood, Inc., at or near Dickson, Tenn., for 180 days. Supporting shipper: Printwood, Inc., Box 726, Dickson, Tenn. 37055. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations—ICC, Suite A–422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No MC 127337 (Sub 14TA), filed January 26, 1976. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindemen, 1032 Pennsylvania Bldg., 425–13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags and wrappings* from Richmond, Va., and Woburn, Mass., to ports of entry on the United States-Canada boundary line; restricted to the transportation of shipments destined to points in the Province of Newfoundland, Canada, for 180 days. Supporting shippers: (1) Peter Pan Sales, Ltd., P.O. Box 1238, St. John's, Newfoundland, Canada, (2) Dowd Paper, 100 Commerce Way, Woburn, Mass. 01801. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm 307, 76 Perl Street, Portland, Maine 04111.

No MC 133566 (Sub 53TA), filed January 26, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224–17th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, (except commodities in bulk), from the plantsite and storage facilities of Leaf Confectionery, Inc., at Chicago, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Tennessee, and West Virginia. Restricted to traffic originating at the above named plantsite and destined to points in the named states, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 North Cicero Avenue, Chicago, Ill., 60051. Send protests to: J. H. Gray, Districts Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne, Street, Rm, 204, Ft. Wayne, Ind. 46802.

No. MC 136228 (Sub 15TA), filed January 27, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway, Milton-Freewater, Oreg. 97214. Applicant's representative: Philip Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* from Yakima, Wash., to San Francisco, Alameda, Santa Clara, San Mateo, Marin, Contra Costa, Solano, Los Angeles, Orange, San Bernardino and Riverside, Calif., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H & H Packing Co., A Division of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No MC 136391 (Sub 3TA), filed January 23, 1976. Applicant: BILL'S MOVING, INC., doing business as A–1 PIONEER MOVING AND STORAGE, Utah Corporation, 471 West 5th South, Salt Lake City, Utah 84101. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Cloth* for recycling, from points in Utah, to Salt Lake, Utah, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. K. Fibres, Inc., 908 N. Eastern Ave., Los Angeles, Calif. 90063, (Michael F. Heath, Director of Marketing). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136711 (Sub 24TA), filed February 2, 1976. Applicant: DAVID G. McCORKLE doing business as McCORKLE TRUCK LINE, 2840 S. High, P.O. Box 9518, Oklahoma City, Okla. 73112. Applicant's representative: G. Timothy Armstrong, 6161 North May, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried fish oil residuum* (in bulk in dump vehicles), from the plantsite of Vy Lactose Laboratories Co., at Old Rock, Kans., to points in Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma and Texas, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vy Lactose Laboratories, Co., 1901 Euclid, Des Moines, Iowa 50313, John Wade, Asst. Operations Manager. Send protests to: Joe Green, Transportation Spec., ICC-Bureau of Operations, Rm. 240 Old P St. Office Building, 215 N.W. Third Street, Oklahoma City, Okla., 73102.

No. MC 136899 (Sub 16TA), filed February 3, 1976. Applicant: HIGGINS TRANSPORTATION LTD., 1165 East Haseltine St., P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: John E. Higgins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rats, mice, and blood* (except commodities in bulk), from Madison, Wis., to points in Minnesota, Iowa, Missouri and Kansas City, Kans., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holtzman Company, Box 4068, Madison, Wis. 53711, Mogul Corp./ARS Sprague Dawley Div., P.O. Box 4220, Madison, Wis. 53711. Send protests to: Richard K. Shallaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No MC 138274 (Sub 24TA), filed January 23, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., A Utah Corporation), 2151 North Redwood Road, P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *inedible meat*, from Gooding, Idaho, to Midvale and Salt Lake City, Utah, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chase Prod., Hagerman, Idaho 83732, (Charles E. Balduc, Owner). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah.

No MC 141216 (Sub 3TA), filed January 26, 1976. Applicant: DARREL K. OAKLEY, doing business as OAKLEY ENTERPRISES, 3502 Elm Avenue, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings*, from the facilities of Stauter Lumber Co. at Hill City, S. Dak., to the facilities of Thompson Industries Ltd., at or near Storm Lake, Iowa, and to the facilities of Flynn Farms at or near Blair, Nebr., for 180 days. Supporting shippers: Don Blessing, Vice President, Thompson Industries, Ltd., 501 Seneca, Storm Lake, Iowa 50588. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–4524 Filed 2–13–76;8:45 am]

federal register

TUESDAY, FEBRUARY 17, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Programs

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Data Requirements to Support Registration of Pesticide Active Ingredients and Preliminary Schedule of Call-Ins

ENVIRONMENTAL PROTECTION AGENCY

[FRL 488–8; OPP–33002]

PESTICIDE PROGRAMS

Data Requirements To Support Reregistration of Pesticide Active Ingredients and Preliminary Schedule of Call-Ins

This notice announces the schedule which will be followed by the Office of Pesticide Programs (OPP) of the Environmental Protection Agency (EPA) in calling in pesticide products for reregistration in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Applicable Law and Regulations

FIFRA amendments enacted in October 1972 (P.L. 92–516, 86 Stat. 973, 7 U.S.C. 136 et seq.) set forth a statutory standard for determining whether or not a pesticide will be registered. The standard is whether or not the pesticide will or will not generally cause unreasonable adverse effects on man or the environment. EPA was authorized to adopt regulations to implement this standard and did so on July 3, 1975 (40 CFR 162, 40 FR 28242); these regulations became effective August 4, 1975.

The amendments enacted in October 1972 also provide that all pesticides registered under the EPA regulations in effect prior to the amendments were to be reregistered in accordance with the amended FIFRA and the regulations promulgated thereunder. In accordance with other provisions of the 1972 amendments, all pesticides also must be assigned a general-use or restricted-use classification. On November 28, 1975, pursuant to Public Law 94–140, the deadline for completion of this process was extended from October 21, 1976, to October 21, 1977.

The process of bringing previously registered products into compliance with the new FIFRA requirements is called "reregistration." It is a one-time process which should not be confused with the process of registration renewal, which, under Section 6(a) of FIFRA, occurs every five years for every registered pesticide product.

The EPA regulations appearing at 40 CFR 162 (more specifically, at Sections 162.1 through 162.23) set forth the basic substantive requirements, including labeling and data requirements, for reregistration. On addition, EPA issued Procedural Guidelines on September 9, 1975 (40 FR 41788); they appear at 40 CFR 162.41 through 162.51. Proposed Guidelines (40 CFR 162.40 and 40 CFR 162.63 through 162.82) identifying and describing generally acceptable ways of satisfying registration data requirements were published June 25, 1975 (40 FR 26802).

Data Requirements

Data requirements for both registration and reregistration are set forth at 40 CFR 162.8. Subsection 162.8(c) spells out the specific data requirements for reregistration; subsection 162.8(d) provides that additional data other than those specifically identified in subsection 162.8(c) may also be required. Subsection 162.8(a) sets forth rules for waivers of data requirements.

For the convenience of readers of this notice, the specific data requirements for reregistration, and the conditions under which they are applicable, are summarized below:

A. Toxicity data necessary for determination of the acute oral (dietary) LD50 for mammalian species, the subacute dietary LC50 for avian species, and the acute LC50 for aquatic organisms (unless use patterns do not result in exposure of such species or organisms).

B. Data to evaluate the teratogenicity of the active ingredient(s) if uses of the pesticide may reasonably be expected to result in exposure to human females.

C. Data to evaluate the oncogenicity of the active ingredient(s) if the active ingredient(s), its metabolite(s), or degradation product(s) contains a substance structurally related to a known or suspected oncogenic agent or if a residue tolerance or exemption from the requirement to obtain a tolerance is necessary.

D. Chronic feeding studies of the active ingredient(s) if a tolerance or exemption from the requirement to obtain a tolerance is necessary or if use in residences, enclosed working spaces, or their immediate vicinity is intended.

E. Reproduction studies of the active ingredient(s) if a tolerance or exemption from the requirement to obtain a tolerance is necessary.

F. Foliar residue and exposure information for products containing cholinesterase-inhibiting ingredients or any other ingredients specified in the Registration Guidelines.

G. Information in support of safe methods of disposal of pesticide formulations and containers.

If any of the foregoing requirements can be satisfied by data previously submitted in support of pesticide registration, such data need not be resubmitted; they can be included by reference in a reregistration application. If previously submitted data are to be considered, however, the requirements of Section 3 (c)(1)(D) of FIFRA regarding compensation for such data will be applicable.

Data Waivers

Under 40 CFR 162.8(a)(3), data requirements may be selectively waived for individual applications by the Administrator, either on his own initiative or in response to an applicant's petition. Such a waiver may be granted only on the basis of a written finding that the properties of an active ingredient or pesticide product or the use patterns of a specific pesticide product, which are pertinent to an evaluation of the effects of that pesticide or pesticide product on man or the environment, are fundamentally different from the factors taken into account by EPA in establishing the data requirement(s) in question. In other words, a waiver may be granted if the data in question are not needed by EPA to determine whether the active ingredient or pesticide product will generally cause unreasonable adverse effects on man or the environment.

There will be many different situations in which data waivers might be initiated by EPA or requested by registrants. Each one must be evaluated on the basis of the pertinent facts. When EPA takes the initiative in granting data waivers, notification of the waiver will be included in the Reregistration Guidance Packages supplied to the registrants of the products involved (see below for a description of Reregistration Guidance Packages). When each Guidance Package is completed, a copy will be made available for public inspection in the Office of the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460, from 8:30 a.m. to 4:00 p.m. Monday through Friday (202–755–4854), to provide information to any interested parties on EPA's implementation of the data waiver provisions of 40 CFR 162.

Waivers of data requirements may be requested either in advance of or at the time of submittal of reregistration applications. Such requests must be made in writing and must be addressed to the appropriate product manager. They must identify the specific data requirements to be waived, the specific active ingredients and/or pesticide products for which the waiver is requested, and must provide a detailed explanation of the basis for the requested waiver.

Rebuttable Presumptions

As explained above, the statutory standard for determining whether or not a pesticide is to be registered or reregistered is whether or not it will generally cause unreasonable adverse effects on man or the environment. 40 CFR 162.11(a)(3) sets forth criteria for distinguishing between those pesticides which appear to cause unreasonable adverse effects and those which do not appear to do so. Pesticides that do not meet or exceed these criteria, and which do not in any other way appear to cause unreasonable adverse effects, will be reregistered, *provided*, of course, that applicable labeling, data, and other requirements are satisfied.

Pesticides which meet or exceed the criteria set forth at 40 CFR 162.11(a)(3) will have to undergo a more detailed evaluation. They will be subject to a rebuttable presumption against reregistration, which can be overcome by evidence showing either that EPA was in error in determinig that a rebuttable presumption existed or that the risk can be reduced to such an extent that significant adverse effects are unlikely to occur. When neither of these showings can be made, registrants will have an opportunity to obtain registration by showing that the benefits of the use or uses of the product exceed the risks. A more detailed explanation appeared in

the preamble to 40 CFR 162 in the FEDERAL REGISTER published July 3, 1975 (40 FR 28212) and at 40 CFR 162.45(d) in the Procedural Guidelines issued September 9, 1975 (40 FR 41788). Pesticides which are subject to a rebuttable presumption against registration will not be processed for reregistration until the presumption is overcome or until it is determined that benefits exceed risks.

REREGISTRATION PROCESS

Pesticides which are not subject to a rebuttable presumption against registration will be called in for reregistration processing in accordance with a schedule established by OPP's Registration Division. As indicated in the Procedural Guidelines at 40 CFR 162.43(f), the Registration Division will call pesticides in by batches. A batch will consist of products grouped on the basis of similarity of pesticide formulations and broad use patterns. At the scheduled time, all registrants of products included in a batch will be furnished a Reregistration Guidance Package and will be asked to submit their reregistration applications for each product.

Reregistration Guidance Packages will include a schedule for submittal of reregistration applications, guidance on compliance with Section 3(c)(1)(D), proposed classification of products in the batch, requisite wording of precautionary statements required on labeling, acceptable statements on storage and disposal, and guidance on data requirements (explained below in more detail). Applications should not be submitted until they are requested. Unsolicited applications for reregistration will be returned without review.

To assist registrants in identifying data that can be used to meet reregistration requirements, EPA is examining its files to locate previously submitted data that are relevant. The data are then reviewed to determine if they are sufficient to meet the reregistration data requirements set forth at 40 CFR 162.8(c). Data determined to be sufficient will be cited in a bibliography appearing in the Reregistration Guidance Packages. Again, it is emphasized that provisions of Section 3(c)(1)(D) will be applicable in cases of reliance on previously submitted data.

Where examination of the Registration Division's files indicates that required data are not in EPA's possession, registrants will be required to submit these data within a specified time period. Thus, for example, if required data on a particular active ingredient are not available in the Agency's files, all registrants of products containing that active ingredient will be required either to submit the necessary data or to indicate reliance upon specific data being submitted by another registrant (unless, of course, a waiver is granted). When new studies must be performed to develop missing data, affected registrants are encouraged to cooperate with one another in order to avoid duplication of effort and expense. To facilitate such cooperation, the Reregistration Guidance Packages for each batch of products will be accompanied by the names and addresses of all registrants whose products are in the batch.

REREGISTRATION CATEGORIES

For purposes of reregistration, active ingredients of products registered under the regulations which were superseded by the new registration regulations will be assigned to one of five categories based on EPA's review of the relevant data available in the Registration Division's files, published literature, and other sources. The definitions of these categories are as follows:

Category I: An active ingredient is assigned to Category I if all data requirements for reregistration are either satisfied by data available in the Agency's files or are waived. Pesticide products containing only Category I active ingredients will be candidates for full reregistration when applications are solicited by the Registration Division. Reregistration of such products will remain in effect until the first five-year renewal is required, unless, in the interim, suspension or cancellation action is taken.

Category II: An active ingredient is assigned to Category II if data available in the Agency's files are not sufficient for reregistration and if the necessary testing cannot reasonably be expected to be completed prior to October 1977. Thus, when the missing data relate to teratogenicity or oncogenicity, or to the results of chronic feeding, reproduction, foliar residue, or exposure studies, assignment of the active ingredient to Category II will be in order. A product containing any Category II active ingredients will be a candidate for conditional reregistration when applications are solicited by the Registration Division, provided that the available data indicate that the product otherwise meets the requirements for reregistration. Conditional reregistrations will be effective for a specified time period reasonable to allow completion of the required testing and submittal of the required data.

Category III: An active ingredient is assigned to Category III if the data available in the Agency's files are not sufficient for reregistration and if the necessary testing can reasonably be expected to be completed by October 1977. Thus, where data on acute or subacute toxicity to mammalian or avian species or aquatic organisms are missing, assignment to Category III will be in order. A product containing any active ingredients assigned to Category III will not be considered for either full or conditional reregistration until the necessary data are provided. If required data have not been submitted by the time for the scheduled call-in, registrations of all products containing the ingredient in question will be subject to cancellation.

Category IV: An active ingredient is assigned to Category IV if it equals or exceeds any of the risk criteria set forth in 40 CFR 162.11(a)(3) and is thus subject to a rebuttable presumption against reregistration. Assignment to Category IV takes precedence over assignment to Categories I, II, or III; thus when the properties of an active ingredient are such as to give rise to a rebuttable presumption against reregistration, the chemical is not assigned to any of the other categories. However, the properties of some individual products may equal or exceed the rebuttable presumption criteria, even though the properties of the ingredient did not.

Whenever a rebuttable presumption arises, whether against reregistration of an ingredient, of a product, or of certain uses of a product, all affected registrants will be notified of the presumption directly, by certified mail.

There is no list attached of ingredients in Category IV. Initial assignments to this category will be announced in the FEDERAL REGISTER as soon as the basis of the presumption is verified and the affected registrants have been notified.

Category V: An active ingredient is assigned to Category V if EPA's review of the relevant data has not reached the point at which it can be assigned to one of the other categories. Assignments of these active ingredients to other categories will be announced periodically in the FEDERAL REGISTER.

SPECIAL CONSIDERATIONS

Assignment to the above categories is made from evaluation of data pertaining to active ingredients. Differing characteristics of individual product formulations and use patterns may result in some variations in data requirements. The reregistration guidance package will specify the applicable data requirements for the products included in the package.

For those products involving mixtures of active ingredients the requirements for each component chemical must be satisfied. Thus, if any of the active ingredients fall in Category III, the required data must be provided before the product will be considered for reregistration. Upon satisfaction of the Category III requirements, the product would be considered for full or conditional reregistration, depending upon the category to which the other active ingredients have been assigned.

STATUS OF PESTICIDES IN LITIGATION

Pesticide ingredients which are involved in administrative hearings are now assigned to Category V, and will not be reassigned to other categories or processed for reregistration until the proceedings are concluded. On the date of publication of this notice, no suspension actions were pending, and the following pesticide ingredients were the subject of administrative hearings: Chlordane/Heptachlor, Mirex, and Mercury compounds. If a final determination permitting continued registration is made before October 21, 1977, the products involved will be categorized and considered for reregistration. If proceedings are not concluded by October 21, 1977, guidance as to any actions necessary to

allow continued registration will be provided.

PUBLIC PARTICIPATION

The appended lists, grouped by reregistration category, include all active ingredients contained in currently registered products. These lists identify with coded entries the unsatisfied data requirements for ingredients in Categories II and III, and for all ingredients, the Product Manager (PM) responsible for pesticides containing each ingredient. Keys to the abbreviations used precede the lists.

All communications regarding any aspect of reregistration should be addressed to the appropriate Product Manager. Addressing such communications to other EPA personnel will result in delays.

Any registrant or other interested party who has information which might affect the category assignments shown in the appended lists is encouraged to submit the information to the appropriate Product Manager for Agency consideration. Any such submissions should be in writing and should include a complete citation of the data in question (including, if the data were previously submitted, a complete reference to the registration action for which they were submitted) and/or a copy of the data. Persons who attempt to transmit this information by telephone will be asked to put it in writing.

Copies of all materials received by the Product Managers in response to this notice, providing they are not protected from disclosure under Section 10 of FIFRA, will be available for public inspection in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460, from 8:30 a.m. to 4:00 p.m. Monday through Friday.

As ingredients are reassigned from Category V to other categories, and as other shifts of assignment, if any, are made, they will be announced in subsequent FEDERAL REGISTER notices.

GUIDE TO USE OF CATEGORY LISTS

Sequence. The entries in each of the category lists are sequenced alphabetically by preferred chemical name, ignoring any nonsignificant prefix characters. When there is an accepted common name listed, it appears in the entry to the right of the 'equals' sign (=).

Uses. The following abbreviations for pesticide uses as employed in the lists of Categories in the column headed 'USES' are generally equivalent to the classes of pesticides described in 40 CFR 162.3 (ff):

A=Algaecides (as apart from other herbicides).
B=Bird poisons and repellents.
D=Antimicrobial agents (disinfectants, etc., except those specified elsewhere).
F=Fungicides (for crop, industrial, and mildewcide uses).
H=Herbicides (excluding algaecides).
I=Insecticides, acaricides, and insect repellents.
K=Invertebrate animal poisons (molluscicides and anti-fouling chemicals).
M=Mammal poisons and repellents (not including rodenticides).
N=Nematicides.
P=Plant regulators.
R=Rodenticides.
S=Slimicides (principally for paper mills and water cooling systems).
T=Attractants (mainly for insects).
W=Fish poisons and repellents.
X=Defoliants and desiccants.
Z=Amphibian and reptile poisons and repellents.

PM. Product managers represented by numbers in the column headed 'PM' in the Category lists are as follows:

Product Manager No.	Name	Telephone No. (Area code 202)
11	Miller, William H	755-9315
12	Sanders, Frank T	755-9315
13	Rea, James M	755-9315
15	Gardner, Timothy A	426-9425
16	Gee, Franklin D. R	426-9425
17	Harrison, Gerald	426-9425
21	Wilson, Eugene M	426-2456
22	Lee, John H	426-2456
23	Mountfort, R. F	755-1397
24	Jacoby, Henry M	755-2197
25	Taylor, Robert J	755-7012
31	Tavano, Joseph M	426-2635
32	Geathers, Elmer D	426-9486
33	Banks, James M	755-9041
34	Castillo, Arturo E	426-9490
	Unassigned—Contact Dave Bowen, Information Officer, Registration Division.	426-2454

[1] The mailing address for the product managers is: Registration Division (WH-567), Attn: (product manager name) (PM#___), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Data gaps. The following abbreviations are used in the column headed 'DATA GAPS' to indicate unsatisfied data requirements for ingredients in Categories II and III. With respect to the long-term tests, the time period considered reasonable for development and submittal of each kind of study is shown. *This time period will run from the date of receipt of notice of call-in for reregistration, and will coincide with the maximum period for which conditional reregistration may be granted.* When more than one long-term study is required for a single ingredient, the longest time allowed will determine the period of conditional reregistration. Earliest possible data development and submission is nonetheless strongly encouraged in order to minimize the possibility of expiration of the conditional reregistration before review can be completed.

The time period considered reasonable for development and submittal of any required short-term tests is six months, beginning from the date of direct notice to affected registrants of short-term gaps.

	Time allowed for Submission (in months)
Long-term tests (Category II):	
TER=Teratogenic	12
REP=Reproduction	24
ONC=Oncogenic, oral administration	36
ONC(D)=Oncogenic, dermal administration	36
CHR=Chronic Feeding	36
RN=Foliar residue and exposure	48
Short-term tests (Category III):	
AO=Acute oral LD50	--
AD=Acute dermal LD50	--
AI=Acute inhalation LC50	--
EI=Eye irritation	
DI=Dermal irritation	
SS=Skin sensitization	
SD=Subacute dermal	
MA=Mammalian acute oral (dietary) LD50	
AV=Avian subacute dietary LC50	
AQ=Aquatic organism acute LC50	

CALL-IN

In the appended lists of ingredients assigned to Categories I, II, and III, the figure in the column headed 'CALL-IN' indicate the approximate time at which Reregistration Guidance Packages soliciting applications for reregistration will be distributed. The codes used equate to calendar periods as follows:

Code:	*Calendar period*
1	February to June, 1976.
2	July to September, 1976.
3	October to December, 1976.
4	January to March 1977.
5	April to June, 1977.
6	July to August, 1977.
7	September to October, 1977.

A copy of the list containing the data requirements to support reregistration of pesticide active ingredients and the preliminary schedule of call-ins for these active ingredients will be available for public inspection in the U.S. Environmental Protection Agency Public Information Reference Unit, Room 2922 (EPA Library), 401 M St. SW., Washington, D.C. 20460, as well as in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Dated: February 5, 1976.

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

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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THE ACTIVE INGREDIENTS LISTED BELOW ARE THOSE FOR WHICH DATA IN THE ENVIRONMENTAL PROTECTION AGENCY'S FILES HAVE BEEN FOUND TO BE SUFFICIENT TO SUPPORT REREGISTRATION. APPLICATIONS FOR FULL REREGISTRATION OF PRODUCTS CONTAINING ONLY INGREDIENTS IN CATEGORY I WILL BE CALLED IN ACCORDING TO THE INDICATED SCHEDULE.

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
1	086003	3-(ALPHA-ACETONYLBENZYL)-4-HYDROXYCOUMARIN = WARFARIN, SODIUM SALT OF	R	11		2
2	004002	ALLETHRIN COIL	I	17		3
3	004001	ALLYL HOMOLOG OF CINERIN I = ALLETHRIN	I	17		3
4	064501	ALUMINUM PHOSPHIDE	I	11		1
5	013906	ALUMINUM SULFATE	A	25		3
6	101101	4-AMINO-6-TERT-BUTYL-3-(METHYLTHIO)-AS-TRIAZIN-5(4H)-ONE	H	25		5
7	005601	AMMONIUM SULFATE	I,F	25		3
8	054501	BACILLUS POPILLIAE AND B. LENTIMORBUS	NOTE: MILKY WHITE DISEASE I	17		3
9	006401	BACILLUS THURINGIENSIS (BERLINER)	I	17		3
10	008001	BASIC COPPER CHLORIDE	F	22		3

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
11	00A101	BASIC COPPER SULFATE	F	22		3
12	018501	O,O-BIS(P-CHLOROPHENYL)ACETIMIDOYLPHOSPHORAMIDOTHIOATE	R	11		1
13	011102	BORAX OR SODIUM TETRABORATE DECAHYDRATE	O	33		3
14	011001	BORIC ACID	I	15		3
15	097401	TERT-BUTYLCARBAMIC ACID, ESTER WITH 3-(M-HYDROXYPHENYL)-1,1-DIMETHYLUREA = KARBUTILATE	H	25		3
16	075605	CALCIUM CHLORIDE	O	25,31,33		5
17	014701	CALCIUM HYPOCHLORITE	O	34		1
18	015602	CAMPHOR	I,O,F	17		4
19	015601	CAMPHOR OIL	I	17		4
20	029002	CHLORINATED C3 HYDROCARBONS (1,2-DICHLOROPROPANE,1,3-DICHLOROPROPENE AND OTHER RELATED COMPOUNDS	I,N	11		2

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
21	020501	CHLORINE	A,D	34		3
22	019402	P-CHLOROPHENOXYACETIC ACID, DIETHANOLAMINE SALT OF	H,P	24		2
23	081501	CHLOROPICRIN	I,F,N	11		1
24	009901	3-CHLORO-P-TOLUIDINE HYDROCHLORIDE	B	11		2
25	004004	D-TRANS CHRYSANTHEMUM MONOCARBOXYLIC ACID ESTER OF D-2-ALLYL-4-HYDROXY-3-METHYL-2-CYCLOPENTEN-1-ONE	I	17		3
26	022703	COPPER AMMONIUM CARBONATE	F	22		3
27	022901	COPPER CARBONATE	F	22		3
28	023701	COPPER CHLORIDE (DIHYDRATE)	F	22		3
29	023401	COPPER HYDROXIDE	F,I	22		3
30	022702	COPPER IN THE FORM OF AN AMMONIUM COMPLEX	F	22		3

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
31	023102	COPPER NAPHTHENATE	F	22		3
32	023304	COPPER OLEATE	F,D,K	22		3
33	025601	COPPER OXIDE	F	22		3
34	023501	COPPER OXYCHLORIDE	F	22		3
35	023503	COPPER OXYCHLORIDE SULFATE	F	22		3
36	024002	COPPER 8-QUINOLINOLATE	F	22		3
37	023104	COPPER SALTS OF FATTY AND ROSIN ACIDS	F	22		3
38	023103	COPPER SALTS OF THE ACIDS OF TALL OIL	F	22		3
39	024402	COPPER SULFATE MONOHYDRATE	F	22		2
40	024401	COPPER SULFATE PENTAHYDRATE	F	22		2

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY I ACTIVE INGREDIENTS, READY FOR FULL REREGISTRATION.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
41	021003	COPPER-ZINC-CHROMATE COMPLEX	F	21		3
42	031301	2,6-DICHLORO-4-NITROANILINE	F	21		2
43	030001	2,4-DICHLOROPHENOXYACETIC ACID	H,P	23		1
44	030010	2,4-DICHLOROPHENOXYACETIC ACID, ALKANOLAMINE SALTS OF ETHANOL AND ISOPROPYL SERIES	H,P	23		1
45	030014	2,4-DICHLOROPHENOXYACETIC ACID, ALKYL* AMINE *(AS IN TALL OIL FATTY ACIDS)	H,P	23		1
46	030011	2,4-DICHLOROPHENOXYACETIC ACID, ALKYL* AMINE SALT OF *(C12)	H,P	23		1
47	030012	2,4-DICHLOROPHENOXYACETIC ACID, ALKYL* AMINE SALT OF *(C13)	H,P	23		1
48	030013	2,4-DICHLOROPHENOXYACETIC ACID, ALKYL* AMINE SALT OF *(C14)	H,P	23		1
49	030005	2,4-DICHLOROPHENOXYACETIC ACID, AMMONIUM SALT OF	H,P	23		1
50	030015	2,4-DICHLOROPHENOXYACETIC ACID, AMYLAMINE SALT OF	H,P	23		1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
51	030051	2,4-DICHLOROPHENOXYACETIC ACID, AMYL(PENTYL) ESTER OF	H,P	23		1
52	030052	2,4-DICHLOROPHENOXYACETIC ACID, BUTOXYETHOXYPROPYL ESTER OF	H,P	23		1
53	030053	2,4-DICHLOROPHENOXYACETIC ACID, BUTOXYETHYL ESTER OF	H,P	23		1
54	030054	2,4-DICHLOROPHENOXYACETIC ACID, BUTOXYPOLYETHOXYPROPYL ESTER OF	H,P	23		1
55	030055	2,4-DICHLOROPHENOXYACETIC ACID, BUTOXYPROPYL ESTER OF	H,P	23		1
56	030056	2,4-DICHLOROPHENOXYACETIC ACID, BUTYL ESTER OF	H	23		1
57	030016	2,4-DICHLOROPHENOXYACETIC ACID, DIETHANOLAMINE SALT OF	H,P	23		1
58	030017	2,4-DICHLOROPHENOXYACETIC ACID, DIETHYLAMINE SALT OF	H,P	23		1
59	030038	2,4-DICHLOROPHENOXYACETIC ACID, DIETHYLETHANOLAMINE SALT OF	H,P	23		1
60	030018	2,4-DICHLOROPHENOXYACETIC ACID, DIISOPROPYLAMINE SALT OF	H,P	23		1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
61	030019	2,4-DICHLOROPHENOXYACETIC ACID, DIMETHYLAMINE SALT OF	H,P	23		1
62	030020	2,4-DICHLOROPHENOXYACETIC ACID, N,N-DIMETHYLOLEYLAMINE SALT OF	H,P	23		1
63	030039	2,4-DICHLOROPHENOXYACETIC ACID, N,N-DIMETHYL OLEYL-LINOLEYL AMINE SALT OF	H,P	23		1
64	030057	2,4-DICHLOROPHENOXYACETIC ACID, DIPROPYLENE GLYCOL ISOBUTYL ETHER ESTER OF	H	23		1
65	030021	2,4-DICHLOROPHENOXYACETIC ACID, ETHANOLAMINE SALT OF	H,P	23		1
66	030058	2,4-DICHLOROPHENOXYACETIC ACID, ETHOXYETHOXYETHYL ESTER OF	H	23		1
67	030059	2,4-DICHLOROPHENOXYACETIC ACID, ETHOXYETHOXYPROPYL ESTER OF	H	23		1
68	030022	2,4-DICHLOROPHENOXYACETIC ACID, ETHYLAMINE SALT OF	H,P	23		1
69	030061	2,4-DICHLOROPHENOXYACETIC ACID, ETHYLENE GLYCOL BUTYL ETHER ESTER OF	H	23		1
70	030060	2,4-DICHLOROPHENOXYACETIC ACID, ETHYL ESTER OF	H	23		1

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71	030023	2,4-DICHLOROPHENOXYACETIC ACID, HEPTYLAMINE SALT OF	H,P	23		1
72	030062	2,4-DICHLOROPHENOXYACETIC ACID, ISOBUTYL ESTER OF	H	23		1
73	030063	2,4-DICHLOROPHENOXYACETIC ACID, ISOOCTYL (2-ETHYLHEXYL) ESTER OF	H	23		1
74	030064	2,4-DICHLOROPHENOXYACETIC ACID, ISOOCTYL (2-ETHYL-4-METHYLPENTYL) ESTER OF	H	23		1
75	030065	2,4-DICHLOROPHENOXYACETIC ACID, ISOOCTYL (2-OCTYL) ESTER OF	H	23		1
76	030024	2,4-DICHLOROPHENOXYACETIC ACID, ISOPROPANOLAMINE SALT OF	H,P	23		1
77	030025	2,4-DICHLOROPHENOXYACETIC ACID, ISOPROPYLAMINE SALT OF	H,P	23		1
78	030066	2,4-DICHLOROPHENOXYACETIC ACID, ISOPROPYL ESTER OF	H	23		1
79	030026	2,4-DICHLOROPHENOXYACETIC ACID, LINOLEYLAMINE SALT OF	H,P	23		1
80	030002	2,4-DICHLOROPHENOXYACETIC ACID, LITHIUM SALT OF	H,P	23		1

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81	030027	2,4-DICHLOROPHENOXYACETIC ACID, METHYLAMINE SALT OF	H,P	23		1
82	030067	2,4-DICHLOROPHENOXYACETIC ACID, METHYL ESTER OF	H	23		1
83	030028	2,4-DICHLOROPHENOXYACETIC ACID, MORPHOLINE SALT OF	H,P	23		1
84	030030	2,4-DICHLOROPHENOXYACETIC ACID, OCTYLAMINE SALT OF	H,P	23		1
85	030031	2,4-DICHLOROPHENOXYACETIC ACID, OLEYLAMINE SALT OF	H,P	23		1
86	030029	2,4-DICHLOROPHENOXYACETIC ACID, N-OLEYL-1,3-PROPYLENEDIAMINE SALT OF	H,P	23		1
87	030068	2,4-DICHLOROPHENOXYACETIC ACID, POLYETHYLENE GYLCOL 200 ESTER OF	H	23		1
88	030069	2,4-DICHLOROPHENOXYACETIC ACID, POLYPROPOXYBUTYL ESTER OF	H	23		1
89	030070	2,4-DICHLOROPHENOXYACETIC ACID, POLYPROPYLENE GLYCOL ESTER OF	H	23		1
90	030003	2,4-DICHLOROPHENOXYACETIC ACID, POTASSIUM SALT OF	H,P	23		1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
91	030032	2,4-DICHLOROPHENOXYACETIC ACID, PROPYLAMINE SALT OF	H,P	23		1
92	030072	2,4-DICHLOROPHENOXYACETIC ACID, PROPYLENE GLYCOL BUTYL ETHER ESTER OF	H	23		1
93	030071	2,4-DICHLOROPHENOXYACETIC ACID, PROPYLENE GLYCOL ESTER OF	H	23		1
94	030073	2,4-DICHLOROPHENOXYACETIC ACID, PROPYLENE GLYCOL ISOBUTYL ETHER ESTER OF	H	23		1
95	030004	2,4-DICHLOROPHENOXYACETIC ACID, SODIUM SALT OF	H,P	23		1
96	030074	2,4-DICHLOROPHENOXYACETIC ACID, TETRAHYDROFURFURYL ESTER OF	H	23		1
97	030033	2,4-DICHLOROPHENOXYACETIC ACID, TRIETHANOLAMINE SALT OF	H,P	23		1
98	030034	2,4-DICHLOROPHENOXYACETIC ACID, TRIETHYLAMINE SALT OF	H,P	23		1
99	030035	2,4-DICHLOROPHENOXYACETIC ACID, TRIISOPROPANOLAMINE SALT OF	H,P	23		1
100	030036	2,4-DICHLOROPHENOXYACETIC ACID, TRIMETHYLAMINE SALT OF	H,P	23		1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
101	030075	2,4-DICHLOROPHENOXYACETIC ACID, TRIPROPYLENE GLYCOL ISOBUTYL ETHER ESTER OF	H	23		1
102	030853	4-(2,4-DICHLOROPHENOXY)BUTYRIC ACID, BUTOXYETHANOL ESTER OF	H	23		3
103	030856	4-(2,4-DICHLOROPHENOXY)BUTYRIC ACID, BUTYL ESTER OF	H	23		3
104	030819	4-(2,4-DICHLOROPHENOXY)BUTYRIC ACID, DIMETHYLAMINE SALT OF	H	23		3
105	030863	4-(2,4-DICHLOROPHENOXY)BUTYRIC ACID, ISOOCTYL ESTER OF	H	23		3
106	031401	2-(2,4-DICHLOROPHENOXY)PROPIONIC ACID	H	23		3
107	031453	2-(2,4-DICHLOROPHENOXY)PROPIONIC ACID, BUTOXYETHANOL ESTER OF	H	23		3
108	031419	2-(2,4-DICHLOROPHENOXY)PROPIONIC ACID, DIMETHYLAMINE SALT OF	H	23		3
109	031463	2-(2,4-DICHLOROPHENOXY)PROPIONIC ACID, ISOOCTYL ESTER OF	H	23		3
110	031433	2-(2,4-DICHLOROPHENOXY)PROPIONIC ACID, TRIETHANOLAMINE SALT OF	H	23		3

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
		1,2-DICHLOROPROPANE AND 1,3-DICHLOROPROPENE AND RELATED C3 COMPOUNDS				
111	029001		I,N	11		2
		N3,N3-DIETHYL-2,4-DINITRO-6-(TRIFLUOROMETHYL)-M-PHENYLENEDIAMINE				
112	102301		H	25		5
		3-(2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2-HYDROXYETHYL) GLUTARIMIDE = CYCLOHEXIMIDE				
113	043401		F,D	21		1
		DIMETHYL ((1,2-PHENYLENE)BIS(IMINOCARBONOTHIOYL))BIS(CARBAMATE) = THIOPHANATE-METHYL				
114	102001		F	21		3
		2,4-DINITROCHLOROBENZENE				
115	055101		F	22		3
		4,6-DINITRO-O-CRESOL, SODIUM SALT OF				
116	037508		H,I,P	24		2
		2-(DIPHENYLACETYL)-1,3-INDANDIONE = DIPHACINONE				
117	067701		R	11		3
		DISODIUM OCTABORATE TETRAHYDRATE				
118	011103		I,H,F	23		3
		ETHYL ALCOHOL OR ETHANOL				
119	001501		D	15		3
		ETHYLENE DICHLORIDE				
120	042003		I	11		1

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121	061202	ETHYL P-HYDROXYBENZOATE	D	33		2
122	045901	HYDROGEN CHLORIDE	D	32		2
123	051702	1-(2-HYDROXYETHYL)PYRIDINIUM SALT OF 2-MERCAPTOBENZOTHIOZOLE	F,S	22		3
124	047501	ISOPROPYL ALCOHOL OR ISOPROPANOL	D,F	32		5
125	105401	ISOPROPYL (E,E)-11-METHOXY-3,7,11-TRIMETHYL-2,4-DODECADIENOATE = METHOPRENE	I	17		5
126	014702	LITHIUM HYPOCHLORITE	D	34		1
127	050503	MAGNESIUM SULFATE	D,K	33		3
128	051708	2-MERCAPTOBENZOTHIAZOLE, FERRIC SALT OF	D,F,S	22		3
129	051706	2-MERCAPTOBENZOTHIAZOLE, MONOETHANOLAMMONIUM SALT OF	F,S	22		3
130	051707	2-MERCAPTOBENZOTHIAZOLE, POTASSIUM SALT OF	F,S	22		3

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131	051704	2-MERCAPTOBENZOTHIAZOLE, SODIUM SALT OF	D,F,S	22		3
132	030501	2-METHYL-4-CHLOROPHENOXYACETIC ACID	H	23		2
133	030553	2-METHYL-4-CHLOROPHENOXYACETIC ACID, BUTOXYETHYL ESTER OF	H	23		2
134	030556	2-METHYL-4-CHLOROPHENOXYACETIC ACID, N-BUTYL ESTER OF	H	23		2
135	030511	2-METHYL-4-CHLOROPHENOXYACETIC ACID, DIETHANOLAMINE SALT OF	H	23		2
136	030514	2-METHYL-4-CHLOROPHENOXYACETIC ACID, DIISOPROPANOLAMINE SALT OF	H	23		2
137	030516	2-METHYL-4-CHLOROPHENOXYACETIC ACID, DIMETHYLAMINE SALT OF	H	23		2
138	030510	2-METHYL-4-CHLOROPHENOXYACETIC ACID, ETHANOLAMINE SALT OF	H	23		2
139	030562	2-METHYL-4-CHLOROPHENOXYACETIC ACID, ISOBUTYL ESTER OF	H	23		2
140	030563	2-METHYL-4-CHLOROPHENOXYACETIC ACID, ISOOCTYL ESTER OF	H	23		2

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141	030513	2-METHYL-4-CHLOROPHENOXYACETIC ACID, ISOPROPANOLAMINE SALT OF	H	23		2
142	030566	2-METHYL-4-CHLOROPHENOXYACETIC ACID, ISOPROPYL ESTER OF	H	23		2
143	030503	2-METHYL-4-CHLOROPHENOXYACETIC ACID, POTASSIUM SALT OF	H	23		2
144	030502	2-METHYL-4-CHLOROPHENOXYACETIC ACID, SODIUM SALT OF	H	23		2
145	030512	2-METHYL-4-CHLOROPHENOXYACETIC ACID, TRIETHANOLAMINE SALT OF	H	23		2
146	030515	2-METHYL-4-CHLOROPHENOXYACETIC ACID, TRIISOPROPANOLAMINE SALT OF	H	23		2
147	019202	4-(2-METHYL-4-CHLOROPHENOXY)BUTYRIC ACID, SODIUM SALT OF	H	23		3
148	031501	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID	H	23		1
149	031516	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID, DIETHANOLAMINE SALT OF	H	23		1
150	031519	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID, DIMETHYLAMINE SALT OF	H	23		1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
151	031563	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID, ISOOCTYL ESTER OF	H	23		1
152	031503	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID, POTASSIUM SALT OF	H	23		1
153	031512	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID, TRIETHANOLAMINE SALT OF	H	23		1
154	063502	MINERAL OIL, MINERAL SEAL OIL	I,H,P	13		3
155	004301	OIL OF ANISE	I	11		3
156	012402	2,2'-OXYBIS(4,4,6-TRIMETHYL-1,3,2-DIOXABORINANE)	D	33		1
157	056502	PENTACHLORONITROBENZENE	F	25		2
158	067708	2-PIVALYL-1,3-INDANDIONE, CALCIUM SALT OF	R,I	11		3
159	067704	2-PIVALYL-1,3-INDANDIONE, SODIUM SALT OF	R,I	11		3
160	069183	POLY(OXYETHYLENE(DIMETHYLIMINIO)ETHYLENE(DIMETHYLIMINIO)ETHYLENE DICHLORIDE)	F	34		5

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161	061203	PROPYL 4-HYDROXYBENZOATE	F	33		3
162	105101	*PUTRESCENT WHOLE EGG SOLIDS	T	17		4
163	069004	PYRETHRIN COILS	I	17		1
164	069001	PYRETHRINS	I	17		1
165	069002	PYRETHRUM POWDER OTHER THAN PYRETHRINS	I	17		1
166	073301	SODIUM CHLORATE	H,X	25		2
167	014703	SODIUM HYPOCHLORITE	D	34		1
168	011104	SODIUM METABORATE	H	25		5
169	063603	SODIUM PERSULFATE	D	34		3
170	077703	SODIUM PROPIONATE	F	32		3

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171	031605	SOYBEAN OIL	I	32		3
172	077501	SULFUR	F,I			
173	035603	2-(THIOCYANOMETHYLTHIO)BENZOTHIAZOLE	F,S	22		3
174	017302	2,3,6-TRICHLOROBENZOIC ACID	H	25		2
175	017303	2,3,6-TRICHLOROBENZOIC ACID AND RELATED POLYCHLOROBENZOIC ACIDS, DIMETHYLAMINE SALT OF	H	25		2
176	017305	2,3,6-TRICHLOROBENZOIC ACID, SODIUM SALT OF	H	25		2
177	081301	N-TRICHLOROMETHYLTHIO-4-CYCLOHEXENE-1,2-DICARBOXIMIDE = CAPTAN	F,P	21		3
178	103201	(Z)-9-TRICOSENE	T	17		5
179	009104	2,3,5-TRIIODOBENZOIC ACID	P	25		3
180	051705	ZINC 2-MERCAPTOBENZOTHIAZOLE	D,F,S	22		3

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
181	088601	ZINC PHOSPHIDE	R	11		2

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THE ACTIVE INGREDIENTS LISTED BELOW ARE THOSE FOR WHICH THE INDICATED REQUIRED LONG-TERM STUDIES HAVE NOT BEEN FOUND IN THE FILES OF THE ENVIRONMENTAL PROTECTION AGENCY. THE ATTACHED GUIDE TO USE OF CATEGORY LISTS INCLUDES A KEY TO THE ABBREVIATIONS USED IN THE COLUMN HEADED 'DATA GAPS', AND ALSO SPECIFIES THE PERIOD OF TIME CONSIDERED REASONABLE TO ALLOW FOR DEVELOPMENT AND SUBMISSION OF EACH TYPE OF STUDY. DURING THIS PERIOD ALLOWED FOR DATA DEVELOPMENT, APPLICATIONS FOR CONDITIONAL REREGISTRATION OF PRODUCTS CONTAINING ANY OF THESE INGREDIENTS WILL BE CALLED IN ACCORDING TO THE INDICATED SCHEDULE.

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
1	000601	ACRYLONITRILE	T	11	TER REP ONC CHR	1
2	169104	ALKENYL* DIMETHYL AMMONIUM ACETATE *(75% C18, 25% C16)	D	31	TER CHR	3
3	069102	ALKENYL* DIMETHYL ETHYL AMMONIUM BROMIDE *(90% C18, 10% C16)	D	31	TER	3
4	069198	ALKENYL* DIMETHYL ETHYL AMMONIUM BROMIDE *(75% C18, 25% C16)	D	31	TER	3
5	069193	ALKENYL* DIMETHYL ETHYL AMMONIUM CHLORIDE *(75% C18, 25% C16)	D	31	TER	4
6	069103	ALKYL* BENZYL TRIMETHYL AMMONIUM CHLORIDE *(56% C12, 27% C11, 9% C13, 4% C10, 3% C14, 1% C15)	D	31	TER	1
7	169127	ALKYL* BENZYL TRIMETHYL AMMONIUM CHLORIDE *(50% C12, 20% C13, 10% C14, 10% C11, 10% C10)	D	31	TER	1
8	169103	ALKYL* BIS(2-HYDROXYETHYL)AMMONIUM ACETATE *(FATTY ACIDS OF COCONUT OIL)	D	31	TER	2
9	169107	ALKYL* BIS(2-HYDROXYETHYL)BENZYL AMMONIUM CHLORIDE *(AS IN FATTY ACID OF COCONUT OIL)	D	31	TER	2
10	069148	ALKYL* DI(HYDROXYETHYL) METHYL AMMONIUM CHLORIDE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31	TER	2

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
11	169112	ALKYL* DIMETHYL BENZYL AMMONIUM BENTONITE *(AS IN FATTY ACIS OF TALLOW)	D	31	TER	2
12	169108	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31	TER	3
13	069107	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(100% C14)	D	31	TER	3
14	069108	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(100% C16)	D	31	TER	3
15	069192	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(70% C12, 30% C14)	D	31	TER	3
16	169133	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(95% C16, 5% C18)	D	31	TER	3
17	069142	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(67% C12, 26% C14, 6% C16)	D	31	TER	3
18	069105	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(50% C14, 40% C12, 10% C16)	D	31	TER CHR	3
19	069141	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(58% C14, 28% C16, 14% C12)	D	31	TER	3
20	069157	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(65% C12, 25% C14, 10% C16)	D	31	TER	3

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21	069158	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(93% C14, 4% C12, 3% C16)	D	31	TER	3
22	069137	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(60% C14, 25% C12, 15% C16)	D	31	TER	3
23	069161	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(60% C14, 30% C16, 10% C12)	D	31	TER	3
24	169106	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(68% C12, 25% C14, 7% C16)	D	31	TER	3
25	069184	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(95% C14, 3% C12, 2% C16)	D	31	TER	3
26	069194	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(90% C14, 5% C12, 5% C16)	D	31	TER	3
27	069199	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(65% C12, 23% C14, 12% C16)	D	31	TER	3
28	069143	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(67% C12, 24% C14, 9% C10-C18)	D	31	TER	3
29	069104	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(60% C14, 30% C16, 5% C18, 5% C12)	D	31	TER	3
30	069140	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(61% C12, 23% C14, 11% C16, 2.5% C18, 2.5% C10 + C8)	D	31	TER	3

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31	069106	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
32	069168	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(47% C12, 18% C14, 15% C5=C15, 10% C18, 10% C16)	D	31	TER	3
33	069169	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(55% C16, 20% C14, 20% C12, 5% C18)	D	31	TER	3
34	069189	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(61% C12, 23% C14, 11% C16, 5% C18)	D	31	TER	3
35	069195	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(41% C14, 28% C12, 19% C18, 12% C16)	D	31	TER	3
36	069175	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(67% C12, 25% C14, 7% C16, 1% C18)	D	31	TER	3
37	169117	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(40% C14, 24% C18, 20% C12, 10% C16, 6% C8=C10)	D	31	TER	3
38	169119	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(55% C16, 27% C12, 16% C14, 2% C18)	D	31	TER	3
39	169120	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(60% C12, 30% C14, 10% C8=C18)	D	31	TER	3

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40	169123	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(48% C12, 17% C14, 11% C18, 9% C16, 8% C8, 7% C10)	D	31	TER	3
41	169130	ALKYL* DIMETHYL BENZYL AMMONIUM CHLORIDE *(61% C12, 23% C14, 16% C8-C18)	D	31	TER	3
42	069171	ALKYL* DIMETHYL BENZYL AMMONIUM SACCARINATE *(50% C14, 40% C12, 10% C16)	D	31	TER CHR	3
43	069109	ALKYL* DIMETHYL BENZYL DIMETHYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
44	169134	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(100% C12)	D	31	TER	3
45	069144	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(61% C12, 23% C14, 11% C16, 5% C18)	D	31	TER	3
46	069110	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
47	069145	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(90% C14, 5% C16, 5% C12)	D	31	TER	3
48	169101	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(50% C14, 40% C12, 10% C16)	D	31	TER	3

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49	069180	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(60% C12, 25% C14, 15% C16)	D	31	TER	3
50	169116	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(63% C12, 23% C14, 14% C16)	D	31	TER	3
51	169121	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(42% C12, 27% C14, 13% C16, 18% C8-C18	D	31	TER	3
52	069182	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(55% C14, 23% C12, 20% C16, 2% C18)	D	31	TER	3
53	069196	ALKYL* DIMETHYL 3,4-DICHLOROBENZYL AMMONIUM CHLORIDE *(65% C12, 22% C14, 10% C16, 3% C18)	D	31	TER	3
54	069186	ALKYL* DIMETHYL ETHYL AMMONIUM BROMIDE *(85% C16, 15% C18)	D	31	TER CHR	2
55	069146	ALKYL* DIMETHYL ETHYL AMMONIUM BROMIDE *(90% C14, 5% C16, 5% C12)	D	31	TER CHR	2
56	169126	ALKYL* DIMETHYL ETHYL AMMONIUM BROMIDE *(MIXED ALKYL AND ALKENYL GROUPS AS IN SOYBEAN OIL FATTY ACIDS)	D	31	TER	2
57	069154	ALKYL* DIMETHYL ETHYLBENZYL AMMONIUM CHLORIDE *(68% C12, 32% C14)	D	31	TER	3

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58	069111	ALKYL* DIMETHYL ETHYLBENZYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
59	069167	ALKYL* DIMETHYL ETHYLBENZYL AMMONIUM CHLORIDE *(60% C14, 30% C16, 5% C12, 5% C18)	D	31	TER	3
60	069135	ALKYL* DIMETHYL ETHYLBENZYL AMMONIUM CYCLOHEXYL SULFAMATE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
61	069188	ALKYL* DIMETHYL ISOPROPYLPHENYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
62	069112	ALKYL* DIMETHYL 1-NAPHTHYLMETHYL AMMONIUM CHLORIDE *(98% C12, 2% C14)	D	31	TER	4
63	169102	ALKYL* DIMETHYL TRICHLOROBENZYL AMMONIUM CHLORIDE *(50% C14, 40% C12, 10% C16)	D	31	TER	3
64	169105	ALKYL* DODECYLBENZYL DIMETHYL AMMONIUM CHLORIDE *(70% C12, 30% C14)	D	31	TER	3
65	169137	N-ALKYL* N-ETHYL MORPHOLINIUM ETHYLSULFATE *(AS IN FATTY ACIDS OF SOYBEAN OIL)	D	31	TER CHR	3
66	069113	N-ALKYL* N-ETHYL MORPHOLINIUM ETHYLSULFATE *(92% C18, 8% C16)	D	31	TER CHR	3

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67	069147	N-ALKYL* N-ETHYL MORPHOLINIUM ETHYLSULFATE *(74% C18, 25% C16, 1% C14)	D	31	TER CHR	3
68	069114	2-ALKYL* 1-(2-HYDROXYETHYL)-2-IMIDAZOLINE ACETATE *(AS IN FATTY ACIDS OF TALL OIL)	D	31	TER CHR	3
69	069115	ALKYL* ISOQUINOLINIUM BROMIDE *(50% C12, 30% C14, 17% C16, 3% C18)	D	31	TER	3
70	069116	ALKYL* METHYL ISOQUINOLINIUM CHLORIDE *(55% C14, 25% C12, 17% C16, 3% C18)	D	31	TER	3
71	079084	ALPHA-ALKYL*-OMEGA-HYDROXYPOLY (OXYETHYLENE) *(100% C11-C15)(9 MOLES)			TER REP CHR	
72	069153	ALKYL* TRIMETHYL AMMONIUM BROMIDE *(95% C14, 5% C16)	D	31	TER CHR	3
73	169132	ALKYL* TRIMETHYL AMMONIUM BROMIDE *(67% C16, 30% C14, 3% C12-C18)	D	31	TER CHR	3
74	069139	ALKYL* TRIMETHYL AMMONIUM CHLORIDE *(AS IN COTTONSEED OIL FATTY ACIDS)	D	31	TER	3
75	069151	ALKYL* TRIMETHYL AMMONIUM CHLORIDE *(90% C18, 10% C16)	D	31	TER CHR	3
76	169124	ALKYL* TRIMETHYL AMMONIUM CHLORIDE *(70% C12, 30% C14)	D	31	TER CHR	3

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77	069197	ALKYL* TRIMETHYL AMMONIUM CHLORIDE *(70% C18, 27% C16, 3% C14)	D	31	TER CHR	3
78	069185	ALKYL* TRIMETHYL AMMONIUM CHLORIDE *(58% C18, 40% C16, 1% C14, 1% C12)	D	31	TER CHR	3
79	004003	D-TRANS ALLETHRIN (ALLYL HOMOLOG OF CINERIN I)	I	17	TER CHR	2
80	068401	ALLYL ALCOHOL	H	33	TER REP CHR	1
81	069601	5-AMINO-4-CHLORO-2-PHENYL-3(2H)-PYRIDAZINONE = PYRAZON	H	25	REP ONC	3
82	029901	3-AMINO-2,5-DICHLOROBENZOIC ACID = CHLORAMBAN	H	25	TER ONC(D)	3
83	029902	3-AMINO-2,5-DICHLOROBENZOIC ACID = CHLORAMBEN, AMMONIUM SALT OF	H	25	TER ONC(D)	3
84	029904	3-AMINO-2,5-DICHLOROBENZOIC ACID = CHLORAMBEN, DISTHANOLAMINE SALT OF	H	25	TER ONC(D)	3
85	029905	3-AMINO-2,5-DICHLOROBENZOIC ACID = CHLORAMBEN, METHYL ESTER OF	H	25	TER ONC(D)	3
86	029903	3-AMINO-2,5-DICHLOROBENZOIC ACID = CHLORAMBEN, MONOMETHYL AMMONIUM SALT OF	H	25	TER ONC(D)	3

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87	029906	3=AMINO=2,5=DICHLOROBENZOIC ACID = CHLORAMBEN, SODIUM SALT OF	H	25	TER ONC(D)	3
88	069201	4=AMINOPYRIDINE	B	11	TER CHR	1
89	005101	4=AMINO=3,5,6=TRICHLOROPICOLINIC ACID = PICLORAM	H	25	ONC	2
90	064101	P=TERT=AMYLPHENOL	D	32	TER ONC(D)	1
91	064111	P=TERT=AMYLPHENOL, POTASSIUM SALT OF	D	32	TER ONC(D)	1
92	064112	P=TERT=AMYLPHENOL, SODIUM SALT OF	D	32	TER ONC(D)	1
93	090401	4=BENZOTHIENYL METHYLCARBAMATE	I	15	ONC RN	2
94	062201	O=BENZYL=P=CHLOROPHENOL	D	32	TER ONC(D)	2
95	062202	O=BENZYL=P=CHLOROPHENOL, POTASSIUM SALT OF	D	22	TER ONC(D)	2
96	062203	O=BENZYL=P=CHLOROPHENOL, SODIUM SALT OF	D	32	TER ONC(D)	2

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97	069159	BENZYL(DODECYLCARBAMOYLMETHYL)DIMETHYLAMMONIUM CHLORIDE	D	31	TER CHR	2
98	097801	(5-BENZYL-3-FURYL)METHYL 2,2-DIMETHYL-3-(2-METHYLPROPENYL)CYCLOPROPANECARBOXYLATE	I	17	REP ONC CHR	2
99	010002	BETA-BUTOXY BETA'-THIOCYANO DIETHYL ETHER	I	17	TER REP ONC	3
100	043302	2,3,4,5-BIS(2-BUTYLENE)TETRAHYDRO-2-FURALDEHYDE	I	17	TER ONC(D)	3
101	010501	1,1-BIS(CHLOROPHENYL)-2,2,2-TRICHLOROETHANOL	I	13	ONC	1
102	080805	2,4-BIS(ISOPROPYLAMINO)-6-(METHYLTHIO)-S-TRIAZINE = PROMETRYN	H	25	TER REP CHR	2
103	034001	2,2-BIS(P-METHOXYPHENYL)-1,1,1-TRICHLOROETHANE = METHOXYCHLOR	I	13	TER	1
104	103602	N,N-BIS(PHOSPHONOMETHYL)GLYCINE = GLYPHOSINE	P	25	TER RN	5
105	083001	BIS(TRIBUTYLTIN) OXIDE	F,D,K	24	TER ONC(D)	3
106	083104	BIS(TRIBUTYLTIN) SULFOSALICYLATE	D	31	TER REP ONC(D)	3

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107	083201	BIS(TRIPROPYLTIN) OXIDE	H,S,F,D	24,33	ONC(D)	2
108	012301	5-BROMO-3-SEC-BUTYL-6-METHYLURACIL = BROMACIL	H	25	ONC	1
109	012302	5-BROMO-3-SEC-BUTYL-6-METHYLURACIL = BROMACIL, LITHIUM SALT OF	H	25	ONC	2
110	012303	5-BROMO-3-SEC-BUTYL-6-METHYLURACIL = BROMACIL, SODIUM SALT OF	H	25	ONC	2
111	090701	3-(4-BROMO-3-CHLOROPHENYL)-1-METHOXY-1-METHYLUREA = CHLORBROMURON	H	25	TER REP CHR ONC	2
112	035901	3-(P-BROMOPHENYL)-1-METHOXY-1-METHYLUREA = METOBROMURON	H	25	TER ONC	2
113	035101	BUTANEDIOIC ACID MONO(2,2-DIMETHYLHYDRAZIDE) = DAMINOZIDE	P	25	TER ONC(D)	3
114	011501	2-BUTOXYETHANOL	I,D	17	ONC(D) CHR	3
115	080813	2-(TERT-BUTYLAMINO)-4-(ETHYLAMINO)-6-(METHYLTHIO)-S-TRIAZINE = TERBUTRYN	H	25	TER REP CHR	2
116	012701	3-TERT-BUTYL-5-CHLORO-6-METHYLURACIL = TERBACIL	H	25	ONC	2

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117	012101	4-TERT-BUTYL-2-CHLOROPHENYL METHYL METHYLPHOSPHORAMIDATE = CRUFORMATE	I	14	TER ONC RN	3
118	046801	BUTYL 3,4-DIHYDRO-2,2-DIMETHYL-4-OXO-1,2H-PYRAN-6-CARBOXYLATE	I	17	TER ONC(D)	3
119	037505	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB	H,I,P	25	TER REP CHR	1
120	037511	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB, ALKANOLAMINE SALTS OF THE ENTHANOL AND ISOPROPANOL SERIES	H,I,P	25	TER REP CHR	1
121	037513	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB, AMMONIUM SALT OF	H,I,P	25	TER REP CHR	1
122	037514	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB, DIETHANOLAMINE SALT OF	H,I,P	25	TER REP CHR	1
123	037512	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB, SODIUM SALT OF	H,I,P	25	TER REP CHR	1
124	037506	2-SEC-BUTYL-4,6-DINITROPHENOL = DINOSEB, TRIETHANOLAMINE SALT OF	H,I,P	25	TER REP CHR	1
125	012201	2-SEC-BUTYL-4,6-DINITROPHENYL-3-METHYL-2-BUTENOATE = BINAPACRYL	I	13	TER ONC	2
126	084301	N-BUTYL-N-ETHYL-ALPHA,ALPHA,ALPHA-TRIFLUORO-2,6-DINITRO-P-TOLUIDINE	H	25	TER REP ONC CHR	2

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127	097601	2-(P-TERT-BUTYLPHENOXY)CYCLOHEXYL 2-PROPYNYL SULFITE = PROPARGITE	I	13	TER UNC	3
128	074001	CALCIUM CYANIDE	I,R	11	TER CHR	1
129	069156	CETYL DIMETHYL ETHYL AMMONIUM BROMIDE	D	31	TER CHR	2
130	069187	N-CETYL-N-ETHYL MORPHOLINIUM ETHYLSULFATE	D	31	TER CHR	3
131	069118	CETYL PYRIDINIUM BROMIDE	D	31	TER CHR	3
132	069160	CETYL PYRIDINIUM CHLORIDE	D	31	TER	4
133	069117	CETYL TRIMETHYL AMMONIUM BROMIDE	D	31	TER CHR	3
134	069133	CETYL TRIMETHYL AMMONIUM CHLORIDE	D	31	TER CHR	3
135	076501	CHLORAMINE B OR SODIUM BENZENESULFONCHLORAMIDE	D	34	TER ONC(D)	2
136	076502	CHLORAMINE T OR SODIUM PARATOLUENESULFONCHLORAMIDE	D	34	TER ONC(D)	2

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137	039001	2-CHLORDALLYL DIETHYLDITHIOCARBAMATE	H	25	TER ONC CHR RN	2
138	283500	S-(4-CHLORDBENZYL) DIETHYLTHIOCARBAMATE	H	21	RN	3
139	080807	2-CHLORO-4,6-BIS(ETHYLAMINO)-S-TRIAZINE = SIMAZINE	H	24	TER ONC	3
140	080808	2-CHLORO-4,6-BIS(ISOPROPYLAMINO)-S-TRIAZINE = PROPAZINE	H	25	TER REP CHR	2
141	017601	4-CHLORO-2-BUTYNYL M-CHLOROCARBANILATE = BARBAN	H	25	TER REP ONC(D)	1
142	064206	4-CHLORO-M-CRESOL	D	32	TER REP ONC(D)	2
143	064202	4-CHLORO-2-CYCLOPENTYLPHENOL	D	32	TER ONC(D)	2
144	064214	4-CHLORO-2-CYCLOPENTYLPHENOL, POTASSIUM SALT OF	D	32	TER	2
145	064218	4-CHLORO-2-CYCLOPENTYLPHENOL, SODIUM SALT OF	D	32	TER	2
146	100401	2-CHLORO-4-(CYCLOPROPYLAMINO)-6-(ISOPROPYLAMINO)-S-TRIAZINE = CYPRAZINE	H	25	TER REP CHR	5

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147	084101	2-CHLORO-1-(2,4-DICHLOROPHENYL)VINYL DIETHYL PHOSPHATE	I	15	TER ONC RN	1
148	084901	O-(2-CHLORO-1-(2,5-DICHLOROPHENYL)VINYL) O,O-DIETHYL PHOSPHOROTHIOATE	I	15	TER REP CHR RN	3
149	018201	2-CHLORO-2-DIETHYLCARBAMOYL-1-METHYLVINYL DIMETHYL PHOSPHATE = PHOSPHAMIDON	I	16	TER ONC RN	2
150	090501	2-CHLORO-2',6'-DIETHYL-N-(METHOXYMETHYL)ACETANILIDE = ALACHLOR	H	25	TER REP CHR	3
151	080803	2-CHLORO-4-(ETHYLAMINO)-6-(ISOPROPYLAMINO)-S-TRIAZINE = ATRAZINE	H	25	TER ONC	2
152	100101	2-((4-CHLORO-6-(ETHYLAMINO)-S-TRIAZIN-2-YL)AMINO)-2-METHYLPROPIONITRILE	H	25	TER ONC	2
153	099801	2-(CHLOROETHYL) PHOSPHONIC ACID = ETHEPHON	P	22	ONC RN	5
154	019101	2-CHLORO-N-ISOPROPYLACETANILIDE	H	25	TER REP CHR	3
155	034502	O-(2-CHLORO-4-NITROPHENYL) O,O-DIMETHYL PHOSPHOROTHIOATE = DICAPTHON	I	12	TER REP CHR RN	3
156	062204	O-CHLOROPHENOL	D	32	TER ONC(D)	2

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
157	062205	O-CHLOROPHENOL, SODIUM SALT OF	D	32	TER ONC(D)	2
158	025501	3-(P-(P-CHLOROPHENOXY)PHENYL)-1,1-DIMETHYLUREA = CHLOROXURON	H	25	TER REP CHR ONC	1
159	020201	P-CHLOROPHENYL P-CHLOROBENZENESULFONATE = OVEX	I	13	TER REP ONC	2
160	062206	2-CHLORO-4-PHENYLPHENOL	D	32	TER ONC(D)	2
161	062208	4-CHLORO-2-PHENYLPHENOL	D	32	TER ONC(D)	2
162	062210	6-CHLORO-2-PHENYLPHENOL	D	32	TER ONC(D)	2
163	062214	4 AND 6-CHLORO-2-PHENYLPHENOL, DIETHANOLAMINE SALT OF	D,F	32	TER ONC(D)	1
164	062207	2-CHLORO-4-PHENYLPHENOL, POTASSIUM SALT OF	D	32	TER ONC(D)	2
165	062211	6-CHLORO-2-PHENYLPHENOL, POTASSIUM SALT OF	D,F	32	TER ONC(D)	2
166	062212	4-CHLORO-2-PHENYLPHENOL, SODIUM SALT OF	D,F	32	TER ONC(D)	2

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167	062213	6-CHLORO-2-PHENYLPHENOL, SODIUM SALT OF	D,F	32	TER ONC(D)	2
168	062215	2-CHLORO-4-PHENYLPHENOL, SODIUM SALT OF	D	32	TER ONC(D)	2
169	05A102	S-(((P-CHLOROPHENYL)THIO)METHYL) O,O-DIETHYL PHOSPHORODITHIOATE = CARBOPHENOTHION	I	14	TER REP CHR RN	3
170	05A101	S-(((P-CHLOROPHENYL)THIO)METHYL) O,O-DIMETHYL PHOSPHORODITHIOATE	I	12	TER RN	3
171	079202	4-CHLOROPHENYL 2,4,5-TRICHLOROPHENYL SULFONE = TETRADIFON	I	13	TER	2
172	062209	4-CHLORO-2-PHENYPHENOL, POTASSIUM SALT OF	D,F	32	TER ONC(D)	2
173	059701	N'-(4-CHLORO-O-TOLYL)-N,N-DIMETHYLFORMAMIDINE = CHLORDIMEFORM	I	13	ONC	3
174	059702	N'-(4-CHLORO-O-TOLYL)-N,N-DIMETHYLFORMAMIDINE HYDROCHLORIDE = CHLORDIMEFORM HYDROCHLORIDE	I	13	ONC	3
175	069203	2-CHLORO-6-(TRICHLOROMETHYL)PYRIDINE = NITRAPYRIN	F	25	ONC(D)	2
176	083701	2-CHLORO-1-(2,4,5-TRICHLOROPHENYL) VINYL DIMETHYLPHOSPHATE	I	15	TER REP ONC RN	2

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177	038701	6-(AND 2)-CHLORO-3,4-XYLYL METHYLCARBAMATE	I	15	TER REP ONC RN	2
178	105801	4-CHORO-5-(METHYLAMINO)-2-(ALPHA,ALPHA,ALPHA-TRIFLUORO-M-TOLYL)-3(2H)-PYRIDAZINONE = NORFLURAZON	H	24	ONC	5
179	081701	CIS-N-((1,1,2,2-TETRACHLOROETHYL)THIO)-4-CYCLOHEXENE-1,2-DICARBOXIMIDE = CAPTAFOL	F	21	ONC(D)	2
180	071004	CUBE RESINS	I,W	17	ONC	3
181	069003	(4-CYCLOHEXENE-1,2-DICARBOXIMIDO)METHYL 2,2-DIMETHYL-3-(2-METHYLPROPENYL) CYCLOPROPANE-CARBOXYLATE = TETRAMETHRIN	I	17	TER	1
182	106601	N-(CYCLOPROPYLMETHYL)-ALPHA,ALPHA,ALPHA-TRIFLUORO-2,6-DINITRO-N-PROPYL-P-TOLUIDINE = PROFLURALIN	H	24	REP CHR	2
183	027501	DECACHLOROBIS(2,4-CYCLOPENTADIENE-1-YL)	I	13	TER ONC(D)	2
184	004201	DEHYDROABIETYLAMINE ACETATE	S	33	TER ONC(D)	5
185	071001	DERRIS RESINS	I	17	ONC	3

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
186	069111	DIALKYL* DIMETHYL AMMONIUM BENTONITE *(AS IN FATTY ACIDS OF TALLOW)	D	31	TER CHR	2
187	069138	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31	TER CHR	2
188	069162	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(85% C18, 15% C16)	D	31	TER CHR	2
189	069129	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(74% C18, 26% C16)	D	31	TER CHR	1
190	069120	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(70% C18, 26% C16, 4% C14)	D	31	TER CHR	2
191	069177	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(50% C12, 30% C14, 20% C16)	D	31	TER CHR	2
192	069122	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(50% C12, 20% C14, 15% C10, 10% C16, 5% C18)	D	31	TER CHR	2
193	069136	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(48% C12, 17% C14, 10% C18, 9% C16, 8% C8, 7% C10, 1% C6)	D	31	TER CHR	1
194	069136	DIALKYL* DIMETHYL AMMONIUM CHLORIDE *(47% C12, 18% C14,10% C18, 9% C10, 8% C16, 8% C8)	D	31	TER CHR	1
195	069119	DIALKYL* METHYL BENZYL AMMONIUM CHLORIDE *(60% C14, 30% C16, 5% C18, 5% C12)	D	31	TER CHR	2

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196	069121	DI(ALKYL* OXYPROPYL)DIMETHYL AMMONIUM CHLORIDE *(60% C8, 40% C10)	D	31	TER	2
197	019301	N,N=DIALLYL=2=CHLOROACETAMIDE	H	25	TER REP CHR	3
198	034401	1,2=DIBROMO=2,2=DICHLOROETHYL DIMETHYL PHOSPHATE = NALED	I	16	TER ONC RN	2
199	035301	3,5=DIBROMO=4=HYDROXYBENZONITRILE = BROMOXYNIL	H	25	TER REP ONC CHR	2
200	101801	2,2=DIBROMO=3=NITRILOPROPIONAMIDE	D,S	34	ONC(D)	5
201	027601	3,5=DIBROMO=3'=(TRIFLUOROMETHYL)SALICYLANILIDE	D	34	TER ONC(D)	2
202	038801	2,6=DI=TERT=BUTYL=P=TOLYL METHYLCARBAMATE	H	25	TER RN	3
203	029801	3,6=DICHLORO=O=ANISIC ACID = DICAMBA	H	25	TER ONC	5
204	029803	3,6=DICHLORO=O=ANISIC ACID = DICAMBA, DIETHANOLAMINE SALT OF	H	25	TER ONC	5
205	029802	3,6=DICHLORO=O=ANISIC ACID = DICAMBA, DIMETHYLAMINE SALT OF	H	25	TER ONC	5

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206	029804	3,6=DICHLORO=O=ANISIC ACID = DICAMBA, MONOETHANOLAMINE SALT OF	H	25	TER UNC	5
207	029806	3,6=DICHLORO=O=ANISIC ACID = DICAMBA, SODIUM SALT OF	H	25	TER UNC	5
208	029805	3,6=DICHLORO=O=ANISIC ACID = DICAMBA, TRIETHANOLAMINE SALT OF	H	25	TER UNC	5
209	027401	2,6=DICHLOROBENZONITRILE = DICHLOBENIL	H	25	TER UNC	3
210	301200	3,4 & 2,3=DICHLOROBENZYL METHYLCARBAMATE = DICHLORMATE	H,F	25	RN	2
211	080811	2,4=DICHLORO=6=(O=CHLOROANILINO)=S=TRIAZINE	F	21	TER REP	2
212	027301	1,4=DICHLORO=2,5=DIMETHOXYBENZENE = CHLORONEB	F	21	UNC	2
213	029601	2,3=DICHLORO=1,4=NAPHTHOQUINONE = DICHLONE	A,H,F	21	TER UNC	3
214	077401	2',5=DICHLORO=4'=NITROSALICYLANILIDE, 2=AMINOETHANOL SALT OF	K,W	11	TER REP CHR	1
215	030801	4=(2,4=DICHLOROPHENOXY)BUTYRIC ACID	H	23	TER REP CHR	3

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216	035505	3=(3,4=DICHLOROPHENYL)=1,1=DIMETHYLUREA = DIURON	H	25	TER ONC	1
217	035506	3=(3,4=DICHLOROPHENYL)=1=METHOXY=1=METHYLUREA = LINURON	H	25	TER ONC	2
218	028401	O=(2,4=DICHLOROPHENYL) O=METHYL ISOPROPYLPHOSPHORAMIDOTHIOATE	I,H	25	TER RN	2
219	106001	2=(3,4=DICHLOROPHENYL)=4=METHYL=1,2,4=OXADIAZOLIDINE=3,5=DIONE = METHAZOLE	H	25	REP ONC(D)CHR	5
220	038201	2,4=DICHLOROPHENYL P=NITROPHENYL ETHER	H	25	ONC	2
221	028601	O=(2,4=DICHLOROPHENYL)O,O=DIETHYL PHOSPHOROTHIOATE = DICHLOFENTHION	I	11	TER REP CHR RN	3
222	064215	4,6=DICHLORO=2=PHENYLPHENOL, POTASSIUM SALT OF	D	32	TER ONC CHR	2
223	028201	3',4'=DICHLOROPROPIONANILIDE	H	25	TER REP CHR	3
224	028901	2,2=DICHLOROPROPIONIC ACID = DALAPON	H	25	TER ONC(D)	3
225	028904	2,2=DICHLOROPROPIONIC ACID = DALAPON, DIETHYLENEGLYCOL ESTER OF	H	25	TER ONC(D)	3

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226	028903	2,2-DICHLOROPROPIONIC ACID = DALAPON, MAGNESIUM SALT OF	H	25	TER ONC(D)	3
227	028902	2,2-DICHLOROPROPIONIC ACID = DALAPON, SODIUM SALT OF	H	25	TER ONC(D)	3
228	069149	DIDECYL DIMETHYL AMMONIUM CHLORIDE	D	31	TER CHR	2
229	069170	DIDECYL METHYL BENZYL AMMONIUM CHLORIDE	D	31	TER CHR	4
230	004204	DI(DEHYDROABIETYL)AMINE ACETATE	D	33	TER ONC(D)	5
231	057601	O,O-DIETHYL O-(AND S-)(2-(ETHYLTHIO)ETHYL)PHOSPHOROTHIOATE = DEMETON	I	16	TER REP CHR RN	1
232	036501	O,O-DIETHYL O-3-CHLORO-4-METHYL-2-OXO-2H-1-BENZOPYRAN-7-YL PHOSPHOROTHIOATE	I	14	TER ONC RN	3
233	097701	O,O-DIETHYL S-((6-CHLORO-2-OXOBENZOXAZOLIN-3-YL)METHYL) PHOSPHORODITHIOATE = PHOSALONE	I	12	TER ONC RN	3
234	102501	O,O-DIETHYL S-(2-CHLORO-1-PHTHALIMIDOETHYL)PHOSPHORODITHIOATE = DIALIFOR	I	16	ONC RN	5
235	086501	DIETHYL DITHIOBIS (THIONOFORMATE)	H	24	TER REP ONC CHR	3

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236	032501	O,O-DIETHYL S-(2-(ETHYLTHIO)ETHYL)PHOSPHORODITHIOATE	I	15	TER REP CHR RN	1
237	057201	O,O-DIETHYL S-((ETHYLTHIO)METHYL)PHOSPHORODITHIOATE = PHORATE	I	16	TER CHR RN	1
238	057801	O,O-DIETHYL O-(2-ISOPROPYL-6-METHYL-4-PYRIMIDINYL) PHOSPHOROTHIOATE	I	15	TER ONC RN	1
239	032701	O,O-DIETHYL O-(P-(METHYLSULFINYL)PHENYL)PHOSPHOROTHIOATE	I	15	ONC RN	1
240	103001	N,N-DIETHYL-2-(1-NAPHTHALENYLOXY)PROPIONAMIDE	H	25	TER REP ONC CHR	3
241	057501	O,O-DIETHYL O-P-NITROPHENYL PHOSPHOROTHIOATE = PARATHION	I	12	RN	1
242	032401	O,O-DIETHYL O-2-PYRAZINYL PHOSPHOROTHIOATE	I	15	TER REP CHR RN	1
243	080301	N,N-DIETHYL-META-TOLUAMIDE, AND OTHER ISOMERS	I	17	TER CHR REP	2
244	059101	O,O-DIETHYL O-(3,5,6-TRICHLORO-2-PYRIDYL)PHOSPHOROTHIOATE = CHLORPYRIFOS	I	12	ONC RN	1
245	090601	2,3-DIHYDRO-2,2-DIMETHYL-7-BENZOFURANYL METHYL CARBAMATE = CARBOFURAN	I	12	RN	1

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246	032201	6,7-DIHYDRODIPYRIDO(1,2-A:2',1',-C)PYRAZINEDIIUM DIBROMIDE = DIQUAT DIBROMIDE	H,X	24	TER ONC	1
247	090201	5,6-DIHYDRO-2-METHYL-1,4-OXATHIIN-3-CARBOXANILIDE = CARBOXIN	F	21	TER ONC(D)	3
248	051501	1,2-DIHYDRO-3,6-PYRIDAZINEDIONE	P	25	TER	3
249	051502	1,2-DIHYDRO-3,6-PYRIDAZINEDIONE, DIETHANOLAMINE SALT OF	P	25	TER	3
250	051503	1,2-DIHYDRO-3,6-PYRIDAZINEDIONE, POTASSIUM SALT OF	P	25	TER	3
251	071002	DIHYDROROTENONE	I,W	17	ONC	3
252	069134	DIISOBUTYLCRESOXYETHOXYETHYL DIMETHYL BENZYL AMMONIUM CHLORIDE	D	31	TER	2
253	069122	DIISOBUTYLPHENOXYETHOXYETHYL DIMETHYL BENZYL AMMONIUM CHLORIDE	D	31	TER	2
254	009801	S-(O,O-DIISOPROPYL PHOSPHORODITHIOATE)ESTER OF N-(2-MERCAPTOETHYL)BENZENESULFONAMIDE	H	25	RN TER	3
255	169110	DILAURYL DIMETHYL AMMONIUM BROMIDE	D	31	TER CHR	2

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256	103301	O,S-DIMETHYL ACETYLPHOSPHORAMIDOTHIOATE = ACEPHATE	I	16	RN	5
257	034201	P-(DIMETHYLAMINO) BENZENEDIAZO SODIUM SULFONATE	F	21	TER ONC REP	3
258	106101	2-(DIMETHYLAMINO)-5,6-DIMETHYL-4-PYRIMIDINYL DIMETHYLCARBAMATE	I	16	RN	3
259	097301	M-(((DIMETHYLAMINO)METHYLENE)AMINO)PHENYL METHYLCARBAMATE HYDROCHLORIDE = FORMETANATE HYDROCHLORIDE	I,K	12	ONC RN	2
260	044401	4-(DIMETHYLAMINO)-M-TOLYL METHYLCARBAMATE	I	12	TER ONC RN	1
261	044201	4-(DIMETHYLAMINO)-3,5-XYLYL METHYLCARBAMATE = MEXACARBATE	I	12	TER RN	2
262	105201	2,2-DIMETHYL-1,3-BENZODIOXOL-4-OL METHYLCARBAMATE	I	12	REP ONC CHR RN	5
263	059901	O,O-DIMETHYL O-(P-(DIMETHYLSULFAMOYL)PHENYL)PHOSPHOROTHIOATE	I	15	TER REP CHR RN	3
264	036601	N,N-DIMETHYL-2,2-DIPHENYLACETAMIDE = DIPHENAMID	H	25	TER ONC	3
265	057701	O,O-DIMETHYL DITHIOPHOSPHATE OF DIETHYL MERCAPTOSUCCINATE = MALATHION	I	16	RN	2

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		4-(1,1-DIMETHYLETHYL)-N-(1-METHYLPROPYL)-2,6-DINITROBENZENAMINE = BUTRALIN				
266	106501		H	23	REP UNC CHR	5
		S-(((1,1-DIMETHYLETHYL)THIO)METHYL) O,O-DIETHYL PHOSPHORODITHIOATE = TERBUFOS				
267	105001		I	16	RN	5
		O,O-DIMETHYL O-((4-(METHYLTHIO)-M-TOLYL) PHOSPHOROTHIOATE = FENTHION				
268	053301		I	15	UNC RN	2
		O,O-DIMETHYL O-P-NITROPHENYL THIOPHOSPHATE				
269	053501		I	12	RN	1
		O,O-DIMETHYL O-(4-NITRO-M-TOLYL) PHOSPHOROTHIOATE				
270	105901		I	15	RN	3
		O,O-DIMETHYL S-((4-OXO-1,2,3-BENZOTRIAZIN-3(4H)-YL)-METHYL)PHOSPHORODITHIOATE				
271	058001		I	12	TER UNC RN	1
		DIMETHYL PHOSPHATE OF 3-HYDROXY-N,N-DIMETHYL-CIS-CROTONAMIDE				
272	035201		I	15	UNC RN	3
		DIMETHYL PHOSPHATE OF 3-HYDROXY-N-METHYL-CIS-CROTONAMIDE				
273	058901		I	16	TER CHR RN	1
		DIMETHYL PHOSPHATE OF ALPHA-METHYLBENZYL 3-HYDROXY-CIS-CROTONATE				
274	058801		I	15	RN	3
		O,S-DIMETHYL PHOSPHORAMIDOTHIOATE				
275	101201		I	15	TER UNC RN	1

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
276	100301	O,O-DIMETHYL PHOSPHORODITHIOATE, S-ESTER WITH 4-(MERCAPTOMETHYL)-2-METHOXY- 2-1,3,4-THIADIAZOLIN-5-ONE = METHIDATHION	I	12	TER ONC RN	1
277	078701	DIMETHYL TETRACHLOROTEREPHTHALATE	H	23	TER UNC	2
278	103501	DIMETHYL 3,5,6-TRICHLORO-2-PYRIDYL PHOSPHATE = FOSPIRATE	I	15	RN	5
279	035503	1,1-DIMETHYL-3-(ALPHA,ALPHA,ALPHA-TRIFLUORO-M-TOLYL)UREA = FLUOMETURON	H	25	TER REP CHR	2
280	100201	2,6-DINITRO-N,N-DIPROPYLCUMIDINE = ISOPROPALIN	H	25	TER REP ONC CHR	5
281	104201	3,5-DINITRO-N4,N4-DIPROPYLSULFANILAMIDE = ORYZALIN	H	25	REP CHR	5
282	036001	2,4-DINITRO-6-OCTYL* PHENYL CROTONATE, 2,6-DINITRO 4-OCTYL* PHENYL CROTONATE AND NITROOCTYLPHENOLS (PRINCIPALLY DINITRO) *(A MIXTURE OF 1-METHYLHEPTYL, 1-ETHYLHEXYL AND 1-PROPYLPENTYL)	F,I	13	TER REP ONC	1
283	069166	DIOCTYL DIMETHYL AMMONIUM CHLORIDE	D	31	TER CHR	2
284	037801	2,3-P-DIOXANEDITHIOL S,S-BIS(O,O-DIETHYL PHOSPHORODITHIOATE) = DIOXATHION	I	15	TER REP CHR RN	1

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285	038501	DIPHENYLAMINE	P,I	15	TER REP ONC CHR	3
286	006202	DIPHENYLSTIBENE 2-ETHYLHEXOATE	D,F	33	TER ONC(D)	1
287	047201	DIPROPYL ISOCINCHOMERONATE	I	17	TER ONC(D)	2
288	169113	DODECYLBENZYL OCTADECYL DIMETHYL AMMONIUM CHLORIDE	D	31	TER	3
289	069125	DODECYLBENZYL TRIMETHYL AMMONIUM CHLORIDE	D	31	TER	1
290	069126	DODECYLBENZYL TRIMETHYL AMMONIUM 2-ETHYLHEXOATE	D	31	TER	1
291	069123	DODECYL DIMETHYL BENZYL AMMONIUM BROMIDE	D	31	TER	3
292	069124	DODECYL DIMETHYL BENZYL AMMONIUM CHLORIDE	D	31	TER	3
293	069127	DODECYL DIMETHYL BENZYL AMMONIUM NAPHTHENATE	D	31	TER CHR	3
294	169115	N-DODECYL DIMETHYL TRICHLOROBENZYL AMMONIUM CHLORIDE	D	31	TER	3

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
295	169114	DODECYL DIMETHYL 2,4,5-TRIMETHYL BENZYL AMMONIUM CHLORIDE	D	31	TER	3
296	044301	DODECYLGUANIDINE ACETATE = DODINE	F	21	TER ONC(D)	3
297	011601	ETHANOLAMINE	D,S	34	ONC(D) TER	3
298	097001	ETHYL P-AMINOBENZOATE OR BENZOCAINE	I	33	TER ONC(D)	3
299	080801	2-(ETHYLAMINO)-4-(ISOPROPYLAMINO)-6-(METHYLTHIO)-S-TRIAZINE = AMETRYN	H	25	ONC	2
300	041301	S-ETHYL CYCLOHEXYLETHYLTHIOCARBAMATE	H	23	TER REP CHR RN	2
301	103701	S-ETHYL DIETHYLTHIOCARBAMATE = ETHIOLATE	H	25	REP CHR RN	5
302	041405	S-ETHYL DIISOBUTYLTHIOCARBAMATE	H	25	TER REP CHR RN	2
303	041101	O-ETHYL S,S-DIPROPYL PHOSPHORODITHIOATE = ETHOPROP	I,N	16	TER REP CHR RN	1
304	041401	S-ETHYL DIPROPYLTHIOCARBAMATE	H	25	TER REP CHR RN	2

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305	041402	S=ETHYL HEXAHYDRO=1H=AZEPINE=1=CARBOTHIOATE	H	25	TER REP CHR	3
306	041001	2=ETHYL=1,3=HEXANEDIOL	I	17	TER ONC(D) CHR	2
307	104801	ETHYL M=HYDROXYCARBANILATE CARBANILATE = DESMEDIPHAM	H	25	REP CHR RN	4
308	100601	ETHYL 4=(METHYLTHIO)=M=TOLYL ISOPROPYLPHOSPHORAMIDATE	N	21	TER ONC RN	1
309	100802	4,4'=(2=ETHYL=2=NITROTRIMETHYLENE) DIMORPHOLINE 20% (PART 2 OF 2: USE 2 CODE NOS 100801 AND 100802	D	33	ONC(D)	5
310	041701	O=ETHYL S=PHENYL ETHYLPHOSPHONODITHIOATE	I	15	RN	1
311	058702	S=(2=(ETHYLSULFINYL)ETHYL) O,O=DIMETHYL PHOSPHOROTHIOATE	I	16	TER CHR RN	1
312	104401	2=(ETHYLTHIO)=4,6=BIS(ISOPROPYLAMINO)=S=TRIAZINE = DIPROPETRYN	H	25	REP ONC(D) CHR	5
313	034801	FERRIC DIMETHYL DITHIOCARBAMATE = FERBAM	F	21	TER RN	2
314	043301	FURFURAL	I,F	33	TER REP CHR	3

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
315	043801	GIBBERELLIC ACID OR GIBBERELLINS	P	25	TER ONC	3
316	061001	HEXACHLOROBENZENE	F	21	ONC CHR	1
317	079401	HEXACHLOROHEXAHYDROMETHANO 2,4,3-BENZODIOXATHIEPIN-3-OXIDE = ENDOSULFAN	I	15	ONC	1
318	105601	HEXAHYDRO-1,3,5-TRIS(2-HYDROXYPROPYL)-S-TRIAZINE	D	24	ONC(D)	5
319	104601	HEXAKIS (2-METHYL-2-PHENYLPROPYL) DISTANNOXANE	I	13	TER	5
320	090101	3-HYDROXY-N,N,5-TRIMETHYLPYRAZOLE-1-CARBOXAMIDE DIMETHYLCARBAMATE	I	12	RN	3
321	047101	ISOBORNYL THIOCYANOACETATE	I	15	TER ONC	2
322	047802	O-ISOPROPOXYPHENYL METHYLCARBAMATE	I	12	ONC RN	2
323	047601	ISOPROPYL CARBANILATE OR ISOPROPYL N-PHENYLCARBAMATE	H	25	REP RN	2
324	018301	ISOPROPYL N-(3-CHLOROPHENYL)CARBAMATE OR ISOPROPYL M-CHLOROCARBANILATE	H,P	25	TER RN	1

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325	069131	N-LAUROYL ESTER OF COLAMINOFORMYLMETHYLPYRIDINIUM CHLORIDE	D	31	TER	4
326	069130	LAURYL ISOQUINOLINIUM BROMIDE	D	31	TER	3
327	051701	2-MERCAPTOBENZOTHIAZOLE	F,S	22	TER CHR	3
328	059201	N-(MERCAPTOMETHYL)PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)	I	15	ONC RN	3
329	053201	METHYL BROMIDE	H,I,F,N,R	11	TER REP CHR	1
330	059301	3-(1-METHYLBUTYL)PHENYL METHYLCARBAMATE AND 3-(1-ETHYLPROPYL)PHENYL METHYLCARBAMATE = BUFENCARB (USE 2 CODE NOS 059301 AND 059302)	I	12	CHR RN	2
331	098801	METHYL 2-CHLORO-9-HYDROXYFLUORENE-9-CARBOXYLATE 65-70%, METHYL 9-HYDROXYFLUORENE-9-CARBOXYLATE 11-13%, METHYL 2,7-DICHLORO-9-HYDROXYFLUORENE-9-CARBOXYLATE 12-19%	P	25	TER	3
332	019201	4-(2-METHYL-4-CHLOROPHENOXY)BUTYRIC ACID	H	23	TER REP CHR	3
333	035509	1-(2-METHYLCYCLOHEXYL)-3-PHENYLUREA = SIDURON	H	25	TER REP CHR	5

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334	104301	METHYL 5-(2,4-DICHLOROPHENOXY)-2-NITROBENZOATE = BIFENOX	H	25	REP CHR	5
335	015801	METHYL 3-((DIMETHOXY PHOSPHINYL)OXY CROTONATE, ALPHA ISOMER AND RELATED COMPOUNDS	I	16	TER REP CHR RN	1
336	069129	METHYLDODECYLBENZYL TRIMETHYL AMMONIUM CHLORIDE 80% AND METHYLDODECYLXYLYLENE BIS(TRIMETHYL AMMONIUM CHLORIDE) 20%	D	31	TER	1
337	055001	2,2'-METHYLENE BIS(4-CHLOROPHENOL)	F,D	32	TER ONC(D)	3
338	044901	2,2'-METHYLENE BIS(3,4,6-TRICHLOROPHENOL)	F,D	32	TER CHR	2
339	044903	2,2'-METHYLENE BIS(3,4,6-TRICHLOROPHENOL), DISODIUM SALT OF	F,D	32	TER CHR	2
340	044902	2,2'-METHYLENE BIS(3,4,6-TRICHLOROPHENOL), MONOSODIUM SALT OF	F,D	32	TER CHR	2
341	098701	METHYL M-HYDROXYCARBANILATE M-METHYL CARBANILATE = PHENMEDIPHAM	H	17	TER REP CHR RN	3
342	090301	S-METHYL N-((METHYLCARBAMOYL)OXY)THIOACETIMIDATE = METHOMYL	I	12	TER CHR RN	1

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343	098301	2-METHYL-2-(METHYLTHIO)PROPIONALDEHYDE O-(METHYLCARBAMOYL)OXIME = ALDICARB	I	12	ONC RN	1
344	103801	METHYL N',N'-DIMETHYL-N-((METHYLCARBAMOYL)OXY)-1-THIOOXAMIMIDATE = OXAMYL	I	22	ONC RN	5
345	037601	4-(METHYLSULFONYL)-2,6-DINITRO-N,N-DIPROPYLANILINE	H	25	TER ONC	1
346	100501	4-(METHYLTHIO)-3,5-XYLYL METHYLCARBAMATE	I	12	ONC RN	5
347	105701	N-(4-METHYL-3-(((1,1,1-TRIFLUOROMETHYL)SULFONYL)AMINO) PHENYL) ACETAMIDE = FLUORIDAMID, DIETHANOLAMINE SALT OF	P	25	TER REP CHR	2
348	056001	1-NAPHTHALENEACETAMIDE	P	25	TER	2
349	030702	N-1-NAPHTHYLPHTHALAMIC ACID	H	25	TER REP CHR	3
350	030703	N-1-NAPHTHYLPHTHALAMIC ACID, SODIUM SALT OF	H	25	TER REP CHR	3
351	030701	N-1-NAPHTHYLPHTHALIMIDE	H	25	TER REP CHR	3
352	056702	NICOTINE OR NICOTINE ALKALOID	I	17	TER REP ONC	2

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353	056703	NICOTINE SULFATE	I	17	TER REP ONC	1
354	085001	P-NITROPHENYL ALPHA,ALPHA,ALPHA-TRIFLUORO-2-NITRO-P-TOLYL ETHER = FLUORODIFEN	H	25	TER REP CHR	3
355	058601	OCTAMETHYLPYROPHOSPHORAMIDE	I	13	TER REP CHR RN	1
356	035302	OCTANOIC ACID ESTER OF 3,5-DIBROMO-4-HYDROXYBENZONITRILE	H	25	TER REP ONC CHR	2
357	069165	OCTYL DECYL DIMETHYL AMMONIUM CHLORIDE	D	31	TER	2
358	069190	OCTYL DODECYL DIMETHYL AMMONIUM CHLORIDE	D	31	TER CHR	2
359	099901	2-N-OCTYL-4-ISOTHIAZOLIN-3-ONE	F	22	ONC(D)	3
360	021901	OIL OF CITRONELLA	I	17	TER	3
361	069101	OLEYL TRIMETHYL AMMONIUM CHLORIDE	D	31	TER CHR	3
362	038901	7-OXABICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL	H,X	24	TER ONC	3

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363	038904	7-OXABICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL, DIPOTASSIUM SALT OF	H,X	24	TER ONC	3
364	038903	7-OXABICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL, DISODIUM SALT OF	H,X	24	TER ONC	3
365	038905	7-OXABICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL, MONO(N,N-DIMETHYL ALKYL* AMINE)SALT OF *(AS IN FATTY ACIDS OF COCONUT OIL)	H,X	24	TER ONC	3
366	038902	7-OXABICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL, (N,N-DIMETHYLTRIDECYLAMINE) SALT OF	H,X	24	TER ONC	3
367	038906	7-OXOBICYCLO(2,2,1)HEPTANE-2,3-DICARBOXYLIC ACID = ENDOTHALL, MONO(N,N-DIMETHYL- TRIDECYLAMINE) SALT OF	H,X	24	TER ONC	3
368	069173	OXYDIETHYLENE BIS(ALKYL* DIMETHYLAMMONIUM CHLORIDE) *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31	TER	2
369	043002	PARAFORMALDEHYDE	F	33	TER	2
370	064001	PHENOL	D	32	TER ONC	3
371	001503	2-PHENYLETHANOL	D	34	TER ONC(D)	3

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372	102101	PHENYL N,N'-DIMETHYLPHOSPHORODIAMIDATE	N	21	RN	5
373	064103	O-PHENYLPHENOL	I,F,D	32	TER ONC(D)	2
374	064105	O-PHENYLPHENOL, ALKENYL* AMINE SALT OF *(100% C8-C18)	I,F,D	32	TER ONC(D)	2
375	064106	O-PHENYLPHENOL, ALKYL* AMINE-COPPER SALT OF *(100% C8-C18)	I,F,D	32	TER ONC(D)	2
376	064107	O-PHENYLPHENOL, ALKYL* AMINO-ZINC SALT OF *(100 18)	I,F,D	32	TER ONC(D)	2
377	064116	O-PHENYLPHENOL, AMMONIUM SALT OF	D	32	TER ONC(D)	2
378	064108	O-PHENYLPHENOL, POTASSIUM SALT OF	I,F,D	32	TER ONC(D)	2
379	064109	O-PHENYLPHENOL, TETRADECYLAMINE SALT OF	I,F,D	32	TER ONC(D)	2
380	103601	N-(PHOSPHONOMETHYL)GLYCINE = GLYPHOSATE, ISOPROPYLAMINE SALT OF	H	25	CHR RN	5
381	068801	PIPERONAL BIS(2-(2-BUTOXETHOXY)ETHYL) ACETAL	I	17	TER ONC	2

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382	081403	POTASSIUM DICHLORO-S-TRIAZINETRIONE	D	34	REP ONC(D)	2
383	043802	POTASSIUM GIBBERELLATE	P	25	TER ONC	3
384	102901	POTASSIUM N-HYDROXYMETHYL-N-METHYLDITHIOCARBAMATE	S	25	RN	5
385	041403	S-PROPYL BUTYLETHYLTHIOCARBAMATE	H	25	TER REP CHR RN	2
386	041404	S-PROPYL DIPROPYLTHIOCARBAMATE	H	25	TER REP CHR RN	2
387	068603	PROPYLENE GYLCOL	I,D	33	TER	2
388	071501	RYANIA SPECIOSA, POWDERED STEMS OF	I	17	TER REP CHR	3
389	079087	SODIUM ALKYL* BENZENE SULFONATE *(100% C9)	D	34	TER REP CHR	3
390	073201	SODIUM BISULFATE OR SODIUM ACID SULFATE	D	34	TER ONC (D)	2
391	058802	SODIUM 5-CHLORO-2-(4-CHLORO-2-(3-(3,4-DICHLOROPHENYL)UREIDO)PHENOXY)BENZENESULFONATE	I	11	TER ONC(D)	3

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392	079088	SODIUM DECYLBENZENE SULFONATE	D	34	TER REP CHR	2
393	079010	SODIUM DODECYLBENZENESULFONATE	D	34	TER CHR	3
394	039003	SODIUM METHYLDITHIOCARBAMATE	H,F,I,N	21	RN	3
395	064104	SODIUM O-PHENYLPHENATE	I,F,D	32	TER UNC(D)	2
396	088004	SODIUM 2-PYRIDINETHIOL 1-OXIDE	B	22	TER	2
397	081404	SODIUM SALT OF DICHLORO-S-TRIAZINETRIONE	D	34	REP UNC(D)	2
398	063005	SODIUM TETRACHLOROPHENATE	F,I	22	TER UNC(D)	2
399	079019	SODIUM XYLENE SULFONATE	D	34	TER UNC(D)	3
400	075901	SORBIC ACID	F	32	TER UNC	3
401	045503	SQUALANE (REQUIRED NAME)	I	15	TER UNC(D)	3

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402	078101	SULFAMIC ACID	D,F,H	32	TER ONC(D)	2
403	067003	TERPINEOLS	D,F	32	TER ONC(D)	2
404	081901	TETRACHLOROISOPHTHALONITRILE = CHLOROTHALONIL	F	21	TER ONC(D)	2
405	055201	1,2,4,5=TETRACHLORO=3=NITROBENZENE	F,D	21	TER	2
406	063004	TETRACHLOROPHENOLS	F,I	22	TER ONC(D)	2
407	063006	TETRACHLOROPHENOLS, ALKYL* AMINE SALT *(AS IN FATTY ACIDS OF COCONUT OIL)	F,I	22	TER ONC(D)	2
408	063007	TETRACHLOROPHENOLS, POTASSIUM SALT OF	F,I	22	TER ONC(D)	2
409	077403	3,3',4',5=TETRACHLOROSALICYLANILIDE	D	33	TER ONC(D)	2
410	079501	O,O,O,O=TETRAETHYL DITHIOPYROPHOSPHATE	I	16	RN	2
411	079601	TETRAETHYL PYROPHOSPHATE	I	16	TER REP CHR RN	*1

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412	058401	O,O,O',O'-TETRAETHYL S,S'-METHYLENE BISPHOSPHORODITHIOATE = ETHION	I	16	TER CHR RN	2
413	035602	TETRAHYDRO-3,5-DIMETHYL-2H-1,3,5-THIADIAZINE-2-THIONE	F,H,N,S	21	TER REP ONC(D)	3
414	035607	*TETRAHYDRO-3,5-DIMETHYL-2H-1,3,5-THIADIAZINE-2-THIONE, SODIUM SALT OF	F,H,N,S	21	TER REP ONC(D)	3
415	079801	TETRAMETHYLTHIURAM DISULFIDE = THIRAM	F	21	TER	2
416	079101	O,O,O,O-TETRAPROPYL DITHIOPYROPHOSPHATE	I	16	TER RN	3
417	060101	2-(4-THIAZOLYL)BENZIMIDAZOLE	F,I	21	TER ONC	3
418	059001	O,O'-(THIODI-4,1-PHENYLENE)BIS(O,O-DIMETHYL PHOSPHOROTHIOATE) = TEMEPHOS	I	15	RN	3
419	081402	S-TRIAZINETRIOL OR CYANURIC ACID	D	34	REP ONC(D)	2
420	083105	TRIBUTYLTIN ACETATE	S	33	ONC(D)	3
421	083106	TRIBUTYLTIN BENZOATE	D,F	33	TER ONC	2

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422	083112	TRIBUTYLTIN FLUORIDE	I	24	TER	1
423	081002	TRICHLOROACETIC ACID	H	25	TER REP CHR	3
424	027901	3,4,4'-TRICHLOROCARBANILIDE	D	34	TER REP ONC(D)	3
425	081601	N-((TRICHLOROMETHYL)THIO)PHTHALIMIDE = FOLPET	F	21	ONC(D)	3
426	082601	2,3,6-TRICHLOROPHENYLACETIC ACID	H	23	TER REP ONC	3
427	082606	2,3,6-TRICHLOROPHENYLACETIC ACID, AMMONIUM SALT OF	H	23	TER REP ONC	3
428	082605	2,3,6-TRICHLOROPHENYLACETIC ACID, DIMETHYLAMINE SALT OF	H	23	TER REP ONC	3
429	082602	2,3,6-TRICHLOROPHENYLACETIC ACID, SODIUM SALT OF	H	23	TER REP ONC	3
430	081405	TRICHLORO-S-TRIAZINETRIONE	D,A,S	34	TER REP ONC(D)	2
431	104101	1,4',5'-TRICHLORO-2'-(2,4,5-TRICHLOROPHENOXY)METHANESULFONANILIDE, SODIUM SALT OF	I	11	TER ONC(D)	5

EPA OFFICE OF PESTICIDE PROGRAMS
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LINE NO	CHEM CODE	CHEM-NAME	USFS	PM	DATA-GAP	CALL-IN
432	101601	TRICYCLOHEXYLTIN HYDROXIDE = CYHEXATIN	I	13	ONC	5
433	036101	A,A,A-TRIFLUORO-2,6-DINITRO-N,N-DIPROPYL-P-TOLUIDINE = TRIFLURALIN (NOTE: EACH 'A' ON THE LABEL MUST APPEAR (AS 'ALPHA' OR GIVEN THE 'ALPHA' SYMBOL THEREON)	H	25	ONC	2
434	009105	2,3,5-TRIIODOBENZOIC ACID, DIMETHYLAMINE SALT OF	P	25	CHR TER	3
435	102402	2,3,5-TRIMETHYLPHENYL METHYLCARBAMATE	I	25	TER REP ONC RN	5
436	083601	TRIPHENYLTIN HYDROXIDE	F,R	21	TER ONC(D)	2
437	076406	TRISODIUM PHOSPHATE	D	33	TER ONC(D)	5
438	086802	XYLENE	I	24	TER REP CHR	3
439	034805	ZINC DIMETHYL DITHIOCARBAMATE = ZIRAM	F	27	TER REP ONC(D) RN	1
440	034806	ZINC DIMETHYL DITHIOCARBAMATE = ZIRAM, CYCLOHEXYLAMINE COMPLEX	F	21	TER REP ONC(D) RN	2
441	088301	ZINC NAPHTHENATE	F	22	TER ONC(D)	2

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
442	088002	ZINC 2-PYRIDINETHIOL 1-OXIDE	B	15	TER	2

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SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
CATEGORY III ACTIVE INGREDIENTS, NOT READY FOR FULL OR CONDITIONAL REREGISTRATION.

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THE ACTIVE INGREDIENTS LISTED BELOW ARE THOSE FOR WHICH THE INDICATED REQUIRED STUDIES HAVE NOT BEEN FOUND IN THE FILES OF THE ENVIRONMENTAL PROTECTION AGENCY. ALL THESE INGREDIENTS REQUIRE DEVELOPMENT AND SUBMISSION OF ONE OR MORE SHORT-TERM STUDIES; MANY ARE ALSO DEFICIENT IN REQUIRED LONG-TERM DATA. THE ATTACHED GUIDE TO USE OF CATEGORY LISTS INCLUDES A KEY TO THE ABBREVIATIONS USED IN THE COLUMN HEADED 'DATA GAPS', WHICH ALSO INDICATES WHICH ARE DEFINED AS 'LONG-TERM STUDIES' AND WHICH ARE CONSIDERED 'SHORT-TERM STUDIES'. ALL SHORT-TERM DATA REQUIREMENTS INDICATED IN THIS LIST MUST BE SATISFIED WITHIN SIX MONTHS OF DIRECT NOTICE TO AFFECTED REGISTRANTS.

AFTER THE SHORT-TERM DATA REQUIREMENTS ARE SATISFIED, APPLICATIONS FOR REREGISTRATION OF PRODUCTS CONTAINING ANY OF THESE INGREDIENTS WILL BE CALLED IN ACCORDING TO THE INDICATED SCHEDULE. IF THERE REMAIN NO UNSATISFIED REQUIREMENTS FOR LONG-TERM STUDIES, AFFECTED PRODUCTS WILL BE CONSIDERED FOR FULL REREGISTRATION.

IF THERE ARE LONG-TERM AS WELL AS SHORT-TERM REQUIREMENTS, AFTER THE SHORT-TERM REQUIREMENTS ARE SATISFIED, APPLICATIONS FOR CONDITIONAL REREGISTRATION WILL BE CALLED IN. SUCH CONDITIONAL REREGISTRATION, AS FOR PRODUCTS CONTAINING INGREDIENTS IN CATEGORY II, WILL BE FOR THE PERIOD REASONABLE TO ALLOW DEVELOPMENT AND SUBMISSION OF THE REQUIRED LONG-TERM DATA. THE PERIOD WHICH WILL BE ALLOWED FOR EACH TYPE OF STUDY IS INDICATED IN THE GUIDE TO USE OF CATEGORY LISTS.

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SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
1	000701	ACROLEIN	F,S	24	AI	2
2	080103	AMMONIUM THIOSULFATE	X	25	AV	3
3	009501	BENZYL BENZOATE	I	17	SS	3
4	101401	BETA-BROMO-BETA-NITROSTYRENE	S	34	AD	5
5	080804	2,4-BIS(ISOPROPYLAMINO)-6-METHOXY-S-TRIAZINE = PROMETON	H	25		5
6	011801	5-BROMO-3-ISOPROPYL-6-METHYLURACIL = ISOCIL	H	25	TER REP CHR AV	2
7	080101	CALCIUM THIOSULFATE	F,I	21	AO AI EI	3
8	027201	CHLORINATED LEVULINIC ACIDS	S,F	34	AV AQ	2
9	019401	P-CHLOROPHENOXYACETIC ACID	H,P	24	AD EI DI	2
10	004212	DEHYDROABIETYLAMMONIUM PHENOXIDE	S,D	33	EI	2

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
11	032601	3',4'-DICHLORO-2-METHYLACRYLANILIDE = DICRYL	H	25	TER REP CHR AV	3
12	100001	2-(2-(2-N,N-DIETHYLAMINO)ETHOXY)ETHOXY)BORNANE	I	17	AD,AD,AI	5
13	101002	DIIODOMETHYL P-TOLYL SULFONE	F	34	AV	5
14	084201	DIMETHYL 3-HYDROXYGLUTACONATE DIMETHYL PHOSPHATE	I	11	EI DI AV	2
15	102701	EUGENOL	I	17	AV	3
16	056502	FERROUS SULFATE HEPTAHYDRATE	H	25	AD AI FI DI	3
17	043001	FORMALDEHYDE	F,D	33	AI	2
18	043701	HEXACHLOROACETONE	H	25	AV AQ	2
19	035801	3-(HEXAHYDRO-4,7-METHANOINDAN-5-YL)-1,1-DIMETHYLUREA = NOREA	H	25	TER ONC AV	2
20	081003	MAGNESIUM TRICHLOROACETATE	H	25	AV	3

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
21	059601	S-(((2-METHOXYETHYL)CARBAMOYL)METHYL) O,O-DIMETHYL PHOSPHORODITHIOATE = AMIDITHION	I	16	TER REP ONC CHR RN AV AQ	5
22	068103	METHYL ISOTHIOCYANATE	H,F,I,N	22	AD AI EI	2
23	035508	3-PHENYL-1,1-DIMETHYLUREA TRICHLOROACETATE	H	25	AV	3
24	020301	POLYCHLOROBICYCLOPENTADIENE ISOMERS(CHLORINE CONTENT 60-62% OR 62-64%)	I	15	TER AV	3
25	081001	SODIUM TRICHLOROACETATE	H	25	AV	3
26	006306	STREPTOMYCIN	F	21	AV AQ	3
27	103101	3,3,4,4-TETRACHLOROTETRAHYDROTHIOPHENE-1,1-DIOXIDE (92%) AND OTHER CHLORNIATED THIOPHENE DIOXIDE (8%)	S	33	DI	5
28	102801	2,3,5-TRICHLORO-4-PROPYLSULFONYL PYRIDINE 36% OTHER CHLORINATED PYRIDINES 4% INERT 60%	D	34	TER AV	5

EPA OFFICE OF PESTICIDE PROGRAMS
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THE ACTIVE INGREDIENTS LISTED BELOW HAVE NOT YET BEEN ASSIGNED TO CATEGORIES I THROUGH IV. AS DATA FROM THE ENVIRONMENTAL PROTECTION AGENCY'S FILES (AND ANY OTHER DATA WHICH MAY BE SUBMITTED IN RESPONSE TO THIS NOTICE) ARE REVIEWED, CATEGORY ASSIGNMENTS WILL BE MADE AND ANNOUNCED IN SUBSEQUENT FEDERAL REGISTER NOTICES.

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
1	044001	ACETIC ACID	D	21		
2	044101	ACETONE		17		
3	086002	3-(ALPHA-ACETONYLBENZYL)-4-HYDROXYCOUMARIN = WARFARIN	R	11		
4	086001	3-(ALPHA-ACETONYLFURFURYL)-4-HYDROXYCOUMARIN	R	11		
5	086004	3-(ALPHA-ACETONYLFURFURYL)-4-HYDROXYCOUMARIN, SODIUM SALT OF	R	11		
6	052902	ACRYLIC POLYMER RESINS *ACRYLIC POLYMER RESINS		11		
7	067303	ALKYL* AMINE ACETATE *(48% C12, 18% C14, 10% C18, 9% C16, 8% C8, 7% C10) (AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
8	069152	ALKYL* AMINE HYDROCHLORIDE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
9	067301	1-(ALKYL* AMINO)-3-AMINOPROPANE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
10	067313	1-(ALKYL* AMINO)-3-AMINOPROPANE DIACETATE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
11	067309	1-(ALKYL* AMINO)-3-AMINOPROPANE HYDROXYACETATE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
12	067304	1-(ALKYL* AMINO)-3-AMINOPROPANE PROPIONATE - COPPER ACETATE COMPLEX *(AS IN FATTY ACIDS OF COCONUT OIL)		31		
13	169131	ALKYL* AMINO BETAINE *(46% C12, 24% C14, 10% C16, 8% C10, 7% C8, 5% C18)	D	32		
14	046606	2-ALKYL*-1-(2-AMINOETHYL)-2-IMIDAZOLINE ACETATE	F	33		
15	169125	ALKYL* BIS(2-HYDROXYETHYL) AMINE ACETATE *(65% C18, 30% C16, 5% C14)	D	31		
16	067321	*N'-ALKYL*-N-(2-CYANOETHYL)1,3-DIAMINOPROPANE *(AS IN FATTY ACIDS OF COCONUT OIL)		31		
17	067312	ALKYL* DIAMINE MONOBENZOATE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
18	079045	ALKYL* DIETHANOLAMIDE *(70% C12, 30% C14)	D	34		
19	067315	N-ALKYL* DIHYDROXYETHYL AMINE OXIDE *(50% C12, 22% C14, 10% C16, 8% C10, 5% C18)	D	31		
20	067308	N-ALKYL* DIPROPOXY-TERT-AMINE *(47% C12, 18% C14, 10% C18, 9% C10, 8% C16, 8% C8)	D	31		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
21	046906	ALKYL* (ETHYLCYCLOIMIDINIUM) 3-HYDROXY-3-ETHYL SODIUM ALCOHOLATE, 2-METHYL SODIUM CARBOXYLATE-TRIDECYL POLYOXYETHYLENE ETHANOL-IODINE COMPLEX *(100% C12)	D	33		
22	046614	2-ALKYL* 1-(2-HYDROXYETHYL)-1 OR 3-BENZYL-2-IMIDAZOLIUM CHLORIDE *(C18 AS IN FATTY ACIDS OF TALL OIL)		33		
23	046601	2-ALKYL* 1-(2-HYDROXYETHYL)-2-IMIDAZOLINE ACETATE *(AS IN FATTY ACIDS OF TALL OIL)		33		
24	046609	2-ALKYL* 1-(2-HYDROXYETHYL)-2-IMIDAZOLINE *(C18 AS IN FATTY ACIDS OF TALL OIL)	D	33		
25	046615	2-ALKYL* 1-HYDROXYETHYL IMIDAZOLINE PHOSPHATE *(100% C13)	D	33		
26	069179	ALKYL* MONOETHANOL AMIDE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
27	046921	ALPHA-ALKYL* -OMEGA-HYDROXYPOLY(OXYETHYLENE)-IODINE COMPLEX *(100% C12-C15)	D	34		
28	046918	ALKYL* POLY(OXYPROPYLENE) POLY(OXYETHYLENE)-IODINE COMPLEX *(100% C12-C15)	D	34		
29	067305	ALKYL* 1,3-PROPANEDIAMINE *(53% C12, 19% C14, 8.5% C16, 7% C8, 6.5% C10, 6% C18)	D	31		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
30	067302	N-ALKYL* 1,3-PROPYLENEDIAMINE ACETATE *(AS IN COCONUT OIL FATTY ACIDS)		31		
31	067319	ALKYL* 1,3-PROPYLENEDIAMINE ACETATE *(47% C12, 18% C14, 10% C18, 9% C10, 8% C16, 8% C8)		31		
32	169109	N-ALKYL* 1,3-PROPYLENEDIAMINE ADIPATE *(AS IN FATTY ACIDS OF COCONUT OIL)	D	31		
33	067314	ALKYL* 1,3-PROPYLENEDIAMINE *(AS IN FATTY ACIDS OF COCONUT OIL)		31		
34	067310	ALKYL* 1,3-PROPYLENEDIAMINE *(42% C12, 26% C18, 15% C14, 8% C16, 5% C10, 4% C8)	D	31		
35	067311	ALKYL* 1,3-PROPYLENEDIAMINE *(47% C12, 18% C14, 10% C18, 9% C10, 8% C16, 8% C8)	D	31		
36	067307	ALKYL* 1,3-PROPYLENEDIAMINE MONOBENZOATE *(AS IN FATTY ACIDS OF COCONUT OIL)		31		
37	085701	ALLANTOIN	H,P	25		
38	004901	ALLYL ISOTHIOCYANATE = OIL OF MUSTARD		11		
39	013901	ALUMINUM CHLORIDE		25		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
40	085703	ALUMINUM CHLOROHYDROXY ALLANTOINATE	H	25		
41	079001	ALUMINUM HYDROXYBENZENESULFONATE		34		
42	004401	3=AMINO=S=TRIAZOLE = AMITROLE	H	25		
43	005103	4=AMINO=3,5,6=TRICHLOROPICOLINIC ACID = PICLORAM, ISOOCTYL ESTER OF	H	25		
44	005104	4=AMINO=3,5,6=TRICHLOROPICOLINIC ACID = PICLORAM, POTASSIUM SALT OF	H	25		
45	005105	4=AMINO=3,5,6=TRICHLOROPICOLINIC ACID = PICLORAM, TRIETHYLAMINE SALT OF	H	25		
46	005102	4=AMINO=3,5,6=TRICHLOROPICOLINIC ACID = PICLORAM, TRIISOPROPANOLAMINE SALT OF	H	25		
47	005302	AMMONIA		34		
48	098501	AMMONIUM ALUM		34		
49	013601	AMMONIUM ARSENITE		22		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
50	073501	AMMONIUM CARBONATE		34		
51	021802	AMMONIUM CITRATE		34		
52	075301	AMMONIUM FLUOSILICATE	I	17		
53	005301	AMMONIUM HYDROXIDE		34		
54	072505	AMMONIUM HYDROXIDE - C8 FATTY ACID SILVER COMPLEX		33		
55	101501	AMMONIUM ISOBUTYRATE	F	25		
56	079028	AMMONIUM LAURYL SULFATE		34		
57	031703	AMMONIUM OLEATE		34		
58	009603	AMMONIUM OXALATE		34		
59	076701	AMMONIUM POLYSULFIDES	I	21		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
60	005501	AMMONIUM SULFAMATE	H	25		
61	000169	AMYL ACETATE		32		
62	064119	O-SEC-AMYLPHENOL	F	22		
63	006001	ANABASINE	I	17		
64	064601	ANILINOCADMIUM DILACTATE				
65	006101	ANTHRACENE OIL		22		
66	006314	ANTIMYCIN A	F	21		
67	006501	AROMATIC PETROLEUM DERIVATIVE SOLVENT	F	17		
68	006601	AROMATIC PETROLEUM DISTILLATE, OIL, SOLVENT OR HYDROCARBONS				
69	006801	ARSENIC ACID OR O-ARSENIC ACID	H,X	23		

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70	006802	ARSENIC PENTOXIDE		12		
71	006901	ARSENIC SULFIDE	R	12		
72	007001	ARSENIC TRIOXIDE OR ARSENOUS OXIDE	R	23		
73	099301	ASBESTOS		11		
74	022001	ASPHALT		22		
75	106901	ASULAM, SODIUM SALT (SODIUM SALT OF METHYL SULFANILYLCARBAMATE)		23		
76	039501	AURAMINE	F	21		
77	007501	BARIUM CARBONATE		22		
78	011101	BARIUM METABORATE		22		
79	008102	BASIC CUPRIC ZINC SULFATE COMPLEX	F	22		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
80	013503	BASIC LEAD ARSENATE		16		
81	089101	BASIC ZINC SULFATE	F	22		
82	008601	BENZALDEHYDE	I	17		
83	098201	(BENZAMIDOOXY) ACETIC ACID, AMMONIUM SALT = BENZADOX, AMMONIUM SALT OF	H	25		
84	008801	BENZENE	I	24		
85	008901	BENZENE HEXACHLORIDE, OTHER ISOMERS OF (BHC)	I	15		
86	098901	1,2-BENZISOTHIAZOLIN-3-ONE		21		
87	009101	BENZOIC ACID		21		
88	009502	BENZYL ALCOHOL		24		
89	008710	BENZYL BROMOACETATE		24		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
90	009106	BENZYL DIETHYL ((2,6-XYLYLCARBAMOYL)METHYL)AMMONIUM BENZOATE	I	11		
91	097802	D-TRANS(5-BENZYL-3-FURYL) METHYL 2,2-DIMETHYL-3-(2-METHYLPROPENYL)CYCLOPROPANE CARBOXYLATE	I	17		
92	017002	BIPHENYL	F	21		
93	035605	1,4-BIS(BROMOACETOXY)-2-BUTENE		24		
94	055002	2,2-BIS(4-CHLOROPHENYL)ETHANOL		33		
95	046501	ALPHA,ALPHA-BIS(P-CHLOROPHENYL)-3-PYRIDINEMETHANOL = PARINOL		21		
96	009701	2,6-BIS((DIMETHYLAMINO)METHYL)CYCLOHEXANONE	F	21		
97	079056	*N,N-BIS(2-HYDROXYETHYL) LAURAMIDE		33		
98	098601	BISMUTH SUBGALLATE		15		
99	011701	TRANS-1,2-BIS(PROPYLSULFONYL) ETHENE		24		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
100	083101	BIS(TRIBUTYLTIN) DODECENYL SUCCINATE	D	33		
101	083103	BIS(TRIBUTYLTIN) SUCCINATE	D	33		
102	083113	BIS(TRIBUTYLTIN) SULFIDE	D,K,F	24		
103	035601	BIS(TRICHLOROMETHYL) SULFONE	D	32		
104	010801	BONE OIL	M	11		
105	008703	4-BROMOACETOXYMETHYL-M-DIOXOLANE		11		
106	006315	1-BROMO-3-CHLORO-5,5-DIMETHYLHYDANTOIN	D	34		
107	008706	O-(4-BROMO-2,5-DICHLOROPHENYL) O,O-DIMETHYL PHOSPHOROTHIOATE	I	16		
108	008707	2-BROMO-4'-HYDROXYACETOPHENONE	F	33		
109	001502	2-BUTANOL		15		

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110	106801	1,1'-(2-BUTENYLENE) BIS(3,5,7-TRIAZA-1-AZONIAADAMANTANE CHLORIDE)		33		
111	077705	BUTYRIC ANHYDRIDE	I	32		
112	046901	BUTOXYPOLYPROPOXYPOLYETHOXYETHANOL-IODINE COMPLEX	D	34		
113	011901	BUTOXYPOLYPROPYLENE GLYCOL	I	17		
114	000401	N-BUTYLACETANILIDE	D			
115	001505	TERT-BUTYL ALCOHOL		33		
116	004214	SEC-BUTYLAMINE	F	21		
117	421300	2-(TERT-BUTYLAMINO)-4-CHLORO-6-(ETHYLAMINO)-S-TRIAZINE = TERBUTHYLAZINE		25		
118	067501	(BUTYLCARBITYL)(6-PROPYLPIPERONYL) ETHER 80% AND RELATED COMPOUNDS 20% = PIPERONYL BUTOXIDE	I	17		
119	012001	1-BUTYL-3-(3,4-DICHLOROPHENYL)-1-METHYLUREA = NEBURON	H	25		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
120	034807	TERT-BUTYL DIMETHYLTRITHIOPEROXYCARBAMATE		11		
121	042205	1,3-BUTYLENE GLYCOL		33		
122	041003	2-BUTYL-2-ETHYL-1,3-PROPANEDIOL				
123	105301	TERT-BUTYL HYDROPEROXIDE		33		
124	061205	BUTYL P-HYDROXYBENZOATE	D	33		
125	064113	P-TERT-BUTYLPHENOL	D	32		
126	064114	P-TERT-BUTYLPHENOL, POTASSIUM SALT OF	D	32		
127	064115	P-TERT-BUTYLPHENOL, SODIUM SALT OF	D	32		
128	062501	2-(P-TERT-BUTYLPHENOXY)-1-METHYLETHYL 2-CHOROETHYL SULFITE	I	13		
129	012501	CACODYLIC ACID OR DIMETHYLARSINIC ACID	H,X	23		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
130	012502	CACODYLIC ACID, SODIUM SALT OF		23		
131	021005	CADMIUM-CALCIUM-COPPER-ZINC-SULFATE-CHROMATE COMPLEX	F	23		
132	012901	CADMIUM CARBONATE	F	21		
133	012902	CADMIUM CHLORIDE	F	21		
134	012903	CADMIUM SEBACATE	F	21		
135	012904	CADMIUM SUCCINATE	F	21		
136	012905	CADMIUM SULFATE	F	21		
137	013806	CALCIUM ACID METHANEARSONATE		23		
138	013501	CALCIUM ARSENATE OR TRICALCIUM ARSENATE		12		
139	013602	CALCIUM ARSENITE OR MONOCALCIUM M-ARSENITE		12		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
140	073302	CALCIUM CHLORATE	H	25		
141	014001	CALCIUM CYANAMIDE		25		
142	014501	CALCIUM ETHYLENEBISDITHIOCARBAMATE	F	21		
143	063508	CALCIUM NAPHTHENATE		15		
144	076401	CALCIUM PHOSPHATE OR TRICALCIUM PHOSPHATE		31		
145	076702	CALCIUM POLYSULFIDE	I,F	21		
146	013801	CALCIUM PROPANEARSONATE		12		
147	077701	CALCIUM PROPIONATE	D	32		
148	067209	CANADIAN BALSAM		11		
149	070701	CAPSAICIN (IN OLEORESIN OF CAPSICUM)		11		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
150	016001	CARBON		11		
151	016401	CARBON DISULFIDE	I	11		
152	016501	CARBON TETRACHLORIDE	I	11		
153	046616	CARBOXYMETHYL-1,1-ETHYLCARBOXYMETHYL-2-UNDECYLIMIDAZOLINIUM HYDROXIDE, DISODIUM SALT OF	D	33		
154	031608	CASTOR OIL				
155	040507	CEDAR LEAF OIL	I	13		
156	040505	CEDARWOOD OIL	I	11		
157	001508	CETYL ALCOHOL		33		
158	020503	CHLORINE DIOXIDE	D	34		
159	017901	1-(3-CHLOROALLYL)-3,5,7-TRIAZA-1-AZONIAADAMANTANE CHLORIDE		32		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
160	017501	CHLOROBUTANOL = (1,1,1=TRICHLORO=2=METHYL=2=PROPANOL)	H	25		
161	054901	5=CHLORO=2=(2,4=DICHLOROPHENOXY)PHENOL	D	32		
162	068106	CHLOROETHYLENE BISTHIOCYANATE	F	22		
163	460200	N=(2=CHLOROETHYL)=ALPHA,ALPHA,ALPHA=TRIFLUORO=2,6=DINITRO=N=PROPYL=P=TOLUIDINE = FLUCHLORALIN		25		
164	018101	2=CHLOROETHYL TRIMETHYL AMMONIUM CHLORIDE		25		
165	020701	CHLOROFORM		11		
166	018401	CHLOROMETHOXYPROPYLMERCURIC ACETATE		22		
167	034501	O=(3=CHLORO=4=NITROPHENYL) O,O=DIMETHYL PHOSPHOROTHIOATE	I	12		
168	011302	1=CHLORO=2=NITROPROPANE	F	21		
169	021203	2=(M=CHLOROPHENOXY)PROPIONAMIDE	H,P	23		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
170	021201	2=(M=CHLOROPHENOXY)PROPIONIC ACID	H,P	23		
171	021202	2=(M=CHLOROPHENOXY)PROPIONIC ACID, SODIUM SALT OF	H,P	23		
172	101001	P=CHLOROPHENYL DIIODOMETHYL SULFONE		22		
173	035501	3=(P=CHLOROPHENYL)=1,1=DIMETHYLUREA = MONURON	H	25		
174	067707	2=((P=CHLOROPHENYL)PHENYLACETYL)=1,3=INDANDIONE	R	11		
175	060501	P=CHLOROPHENYL PHENYL SULFONE	F	17		
176	079201	P=CHLOROPHENYL 2,4,5=TRICHLOROPHENYL SULFIDE	I	13		
177	069204	4=CHLOROPYRIDINE N=OXIDE		33		
178	077406	5=CHLOROSALICYLANILIDE	D	34		
179	020001	2=CHLORO=2'=(2,4,6=TRICHLOROPHENOXY)DIETHYL ETHER	H	23		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
180	086801	4-CHLORO-3,5-XYLENOL	I,F,D	15,22,33		
181	021102	CHROMIC ACETATE	F	21		
182	021101	CHROMIC ACID	F	21		
183	040502	CITRAL	M,D,F	11		
184	021801	CITRIC ACID	D	32		
185	022003	COAL TAR		24		
186	022101	COAL TAR ACIDS, COAL TAR PHENOLS, CRESYLIC ACID OR CRESOLS	H	24		
187	025001	COAL TAR NEUTRAL OILS OR COAL TAR HYDROCARBAONS	D	32		
188	022102	COAL TAR PHENOLS OR COAL TAR ACIDS	D	32		
189	025101	COBALT NAPHTHENATE	F	22		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
190	031609	COD LIVER OIL		15,22		
191	044002	COPPER ACETATE	F	22		
192	022601	COPPER ACETOARSENITE		12,24		
193	022801	COPPER ARSENATE	M,R	11		
194	022401	COPPER ARSENITE		11		
195	041202	COPPER DEHYDROABIETYL AMMONIUM 2-ETHYLHEXOATE	F	22		
196	039105	COPPER ETHYLENEDIAMINETETRAACETATE		34		
197	041201	COPPER 2-ETHYLHEXOATE	F	22		
198	023101	COPPER HYDROXYNAPHTHENATE	F	22		
199	023303	COPPER LINOLEATE	F	22		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
200	022501	COPPER (METALLIC)	F	24		
201	023305	COPPER OXALATE OR CUPRIC OXALATE	F	22		
202	069701	COPPER PYROPHOSPHATE		22		
203	031602	COTTONSEED OIL		32		
204	025004	CREOSOTE (COAL TAR), COAL TAR CREOSOTE OR COAL TAR CREOSOTE OILS	I,F,D	24		
205	025003	CREOSOTE OIL OR COAL TAR CREOSOTE OILS	H	22		
206	025002	CREOSOTE (WOOD)	I	22		
207	075101	CRYOLITE OR SODIUM FLUOALUMINATE	I	17		
208	042402	CUPRIC FERRIC SUBSULFATE COMPLEX	F	24		
209	042401	CUPRIC OXIDE	F	24		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
210	025602	CUPROUS THIOCYANATE		21		
211	025801	CYANOGEN CHLORIDE				
212	025901	CYCLOHEXANE		15		
213	025902	CYCLOHEXANONE		17		
214	065001	2-CYCLOHEXYLCYCLOHEXANOL				
215	251200	ALPHA-CYCLOPROPYL-ALPHA-(P-METHOXYPHENYL)-5-PYRIMIDINEMETHANOL = ANCYMIDOL		15		
216	027701	DECACHLOROOCTAHYDRO-1,3,4-METHENO-2H-CYCLOBUTA(CD)PENTALEN-2-ONE		22		
217	079038	1-DECANOL OR N-DECANOL		25		
218	004206	DEHYDROABIETYLAMINE	D	33		
219	004203	DEHYDROABIETYLAMINE-ETHYLENE OXIDE CONDENSATE	D	33		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
220	004202	DEHYDROABIETYLAMMONIUM PENTACHLOROPHENOXIDE	D	33		
221	084503	DEXTRIN		17		
222	033901	DIACETONE ALCOHOL		33		
223	029301	1,6-DIAMINO-2,2-DIFLUOROHEXANE		11		
224	014502	DIAMMONIUM ETHYLENE BISDITHIOCARBAMATE		21		
225	098101	20,25-DIAZACHLOLESTENOL DIHYDROCHLORIDE	B	11		
226	011301	1,2-DIBROMO-3-CHLOROPROPANE	N,I,F	21		
227	101802	2,3-DIBROMOPROPIONALDEHYDE		33		
228	077405	3,5-DIBROMOSALICYLANILIDE	D	34		
229	077402	4',5-DIBROMOSALICYLANILIDE	D	34		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
230	022105	2,6-DI-TERT-BUTYL-P-CRESOL		32		
231	077802	DIBUTYL SUCCINATE	I	15		
232	078801	S-(2,3-DICHLOROALLYL) DIISOPROPYLTHIOCARBAMATE	H	25		
233	061501	P-DICHLOROBENZENE	I	11		
234	000014	DICHLORODIFLUOROMETHANE		17		
235	028501	1,3-DICHLORO-5,5-DIMETHYLHYDANTOIN	D	34		
236	101701	3,5-DICHLORO-N-(1,1-DIMETHYL-2-PROPYNYL)BENZAMIDE	H	25		
237	029101	DICHLORO DIPHENYL DICHLORETHANE		15		
238	029201	DICHLORO DIPHENYL TRICHLOROETHANE	I	15		
239	029502	DICHLOROETHYL ETHER		11		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
240	031101	4,4'-DICHLORO-ALPHA-METHYLBENZHYDROL		13		
242	031001	2,4-DICHLOROPHENYL ESTER OF BENZENESULFONIC ACID		25		
243	064216	4,6-DICHLORO-2-PHENYLPHENOL	D	32		
244	077201	P-(N,N-DICHLOROSULFAMOYL)BENZOIC ACID	D	33		
245	081401	DICHLORO-S-TRIAZINETRIONE	D	34		
246	084001	2,2-DICHLOROVINYL DIMETHYL PHOSPHATE	I	13		
247	031612	DICYCLOPENTADIENE-LINSEED OIL COPOLYMER		22		
248	046910	DIETHANOLAMINE MYRISTATE-IODINE COMPLEX	D	34		
249	057302	S-(2-(DIETHYLAMINO)ETHYL) O,O-DIETHYL PHOSPHOROTHIOATE		16		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
250	334200	O,O-DIETHYL O-(2-(DIETHYLAMINO)-6-METHYL-4-PYRIMIDINYL) PHOSPHOROTHIOATE		16		
251	032101	DIETHYL DIPHENYL DICHLOROETHANE AND RELATED COMPOUNDS	I	15		
252	042204	DIETHYLENE GLYCOL MONOMETHYL ETHER	D	33		
253	058002	O,O-DIETHYL S-((4-OXO-1,2,3-BENZOTRIAZIN-3(4H)-YL)METHYL)PHOSPHORODITHIOATE	I	12		
254	103401	DIETHYL 4,4'-O-PHENYLENEBIS (3-THIOALLOPHANATE)		21		
255	004213	DIHYDROABIETYLAMINE ACETATE		33		
256	099201	5,10-DIHYDRO-5,10-DIOXONAPHTHO(2,3-B)-P-DITHIIN-2,3-DICARBONITRILE	F	21		
257	090202	5,6-DIHYDRO-2-METHYL-1,4-OXATHIIN-3-CARBOXANILIDE 4,4'-DIOXIDE = OXYCARBOXIN	F	21		
258	069191	N,N-DI(HYDROXYETHYL) ALKYL* AMINE *(AS IN SOYBEAN FATTY ACIDS)	D	31		
259	024003	5,7-DIIODO-8-QUINOLINOL	D	33		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
260	044107	DIISOBUTYL KETONE		15		
261	001504	DIISOBUTYLPHENOXYETHANOL		32		
262	034101	2,4=DIMETHYLBENZYL 2,2=DIMETHYL=3=(2=METHYLPROPENYL)CYCLOPROPANECARBOXYLATE = DIMETHRIN	I	17		
263	061602	1,1'=DIMETHYL=4,4'=BIPYRIDINIUM BIS(METHYLSULFATE) = PARAQUAT BIS(METHYLSULFATE)	H	25		
264	061601	1,1'=DIMETHYL=4,4'=BIPYRIDINIUM DICHLORIDE = PARAQUAT DICHLORIDE	H	25		
265	001001	2,6=DIMETHYL=M=DIOXAN=4=OL ACETATE		33		
266	106401	1,2=DIMETHYL=3,5=DIPHENYL=1H=PYRAZOLIUM METHYL SULFATE = DIFENZOQUAT METHYL SULFATE	H	25		
267	039303	N,N=DIMETHYLDODECYLAMINE ACETATE		25		
268	097501	2,5=DIMETHYL=2=ETHYLHEXANOIC ACID; 2,2,3,5=TETRAMETHYLHEXANOIC ACID; 2,4=DIMETHYL=2=ISOPROPYL PENTANOIC ACID AND RELATED ISOMERS = NEODECANOIC ACID	X	33		
269	105501	N=(5=(1,1=DIMETHYLETHYL)=1,3,4=THIADIAZOL=2=YL)=N,N'=DIMETHYLUREA = TEBUTHIURON	H	25		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
270	063801	DIMETHYL ISOPROPYLAMINOPHENANTHRENE		32		
271	035001	O,O-DIMETHYL S-((METHYLCARBAMOYL)METHYL)PHOSPHORODITHIOATE = DIMETHOATE	I	16		
272	104701	DIMETHYL ((4-METHYL-1,3-PHENYLENEBIS(IMINOCARBONYL-1H-BENZIMIDAZOLE-1,2-DIYL)) BISCARBAMATE	F	21		
273	106201	N'(2,4-DIMETHYLPHENYL)-N-(((2,4-DIMETHYLPHENYL)IMINO)METHYL)-N-METHANIMIDAMIDE	I	13		
274	028002	DIMETHYL PHTHALATE		17		
275	059501	O,O-DIMETHYL O-P-SULFAMOYLPHENYL PHOSPHOROTHIOATE = CYTHIOATE	I	15		
276	057901	DIMETHYL (2,2,2-TRICHLORO-1-HYDROXYETHYL)PHOSPHONATE	I	16		
277	035701	DIMETHYL(2,2,2-TRICHLORO-1-HYDROXYETHYL)PHOSPHONATE ESTER OF BUTYRIC ACID	I	15		
278	058301	O,O-DIMETHYL O-(2,4,5-TRICHLOROPHENYL)PHOSPHOROTHIOATE = RONNEL	I	15		
279	037507	4,6-DINITRO-O-CRESOL	H,I,P	24		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
280	037509	2,4-DINITROPHENOL	F,I	22		
281	079027	DIOCTYL SODIUM SULFOSUCCINATE	D	34		
282	037901	DIPHENYLACETONITRILE	H	25		
283	067705	2-(DIPHENYLACETYL)-1,3-INDANDIONE = DIPHACINONE, SODIUM SALT OF	R	11		
284	066002	DI(PHENYLMERCURI)AMMONIUM PROPIONATE		15		
285	066001	DI(PHENYLMERCURY)DODECENYLSUCCINATE	F	22		
286	068604	DIPROPYLENE GLYCOL	D	33		
287	011508	DIPROPYLENE GLYCOL METHYL ETHER	D	33		
288	038001	DI-N-PROPYLMALEATE ISOSAFROLE CONDENSATE		15		
289	013802	DISODIUM ACID METHANEARSONATE	H	23		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
290	063301	DISODIUM CYANODITHIOIMIDOCARBONATE		33		
291	039114	DISODIUM DIHYDROXYETHYL ETHYLENEDIAMINE DIACETATE		32		
292	079002	DISODIUM 4-DODECYL-2,4'-OXYDIBENZENESULFONATE	D	34		
293	014503	DISODIUM ETHYLENE BISDITHIOCARBAMATE = NABAM	F	21		
294	039102	DISODIUM N-(2-HYDROXYETHYL)IMINODIACETATE	F	33		
295	076410	DISODIUM MONOETHANOLAMINE PHOSPHATE		32		
296	079003	DISODIUM 2,2'-OXYBIS(4-DODECYLBENZENESULFONATE)	D	34		
297	064203	DISODIUM 2,2'-THIOBIS(4,6-DICHLOROPHENATE)	F	22		
298	009202	2,2'-DITHIOBISBENZOTHIAZOLE		22		
299	010001	BETA,BETA'-DITHIOCYANO DIETHYL ETHER	I	17		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
300	039201	DODECACHLOROOCTAHYDRO-1,3,4-METHENO-1H-CYCLOBUTA(CD)PENTALENE		12		
301	039301	DODECYLAMINE LACTATE		32		
302	039302	DODECYLAMINE SALICYLATE		32		
303	013805	DODECYLAMMONIUM METHANEARSONATE		23		
304	079071	DODECYL AMMONIUM SULFATE	D	34		
305	098002	DODECYLBENZENE SULFONIC ACID	D	32		
306	079015	DODECYLBENZENE SULFONIC ACID, DIETHANOLAMINE SALT OF	D	34		
307	079016	DODECYLBENZENE SULFONIC ACID, MONOETHANOLAMINE SALT OF	D	34		
308	032301	DODECYLDIETHYLAMINE		32		
309	044303	DODECYLGUANIDINE HYDROCHLORIDE	F	33		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
310	044302	N-DODECYLGUANIDINE TEREPHTHALATE		21		
311	000611	DRIED BLOOD		11		
312	097201	EPICHLOROHYDRIN	I	11		
313	040501	ESSENTIAL OILS OR PERFUME		33		
314	067207	ESTER GUMS		22		
315	055501	6-ETHOXY-1,2-DIHYDRO-2,2,4-TRIMETHYL QUINOLINE	P	21		
316	076604	2-ETHOXYETHYL-P-METHOXYCINNAMATE				
317	031607	ETHOXYLATED LANOLIN		17		
318	079067	ETHOXYLATED MONOETHANOLAMINE OF LAURIC ACID		32		
319	084701	5-ETHOXY-3-(TRICHLOROMETHYL)-1,2,4-THIADIAZOLE		21		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
320	044003	ETHYL ACETATE	F	21		
321	080802	2-(ETHYLAMINO)-4-(ISOPROPYLAMINO)-6-METHOXY-S-TRIAZINE	H	25		
322	028801	ETHYL-4,4'-DICHLOROBENZILATE	I	13		
323	104901	ETHYL ALPHA-((DIMETHOXYPHOSPHINOTHIOYL)THIO) BENZENEACETATE	I	11		
324	041901	ETHYLENE	H	25		
325	004205	ETHYLENEDIAMINE		34		
326	039101	ETHYLENEDIAMINETETRAACETIC ACID		34		
327	039117	ETHYLENEDIAMINETETRAACETIC ACID, AMMONIUM SALT OF		34		
328	039115	ETHYLENEDIAMINETETRAACETIC ACID, DISODIUM SALT OF		34		
329	039116	ETHYLENEDIAMINETETRAACETIC ACID, ETHANOLAMINE SALT OF		34		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
330	039111	ETHYLENEDIAMINETETRAACETIC ACID, POTASSIUM SALT OF		34		
331	039103	ETHYLENEDIAMINETETRAACETIC ACID, SODIUM SALT OF		34		
332	039112	ETHYLENEDIAMINETETRAACETIC ACID, TETRA(MONOETHANOLAMINE) SALT OF		34		
333	039118	ETHYLENEDIAMINETETRAACETIC ACID, TETRAPOTASSIUM SALT OF		34		
334	039113	ETHYLENEDIAMINETETRAACETIC ACID, TRIPOTASSIUM SALT OF		34		
335	039110	ETHYLENEDIAMINETETRAACETIC ACID, TRISODIUM SALT OF		34		
336	042002	ETHYLENE DIBROMIDE	F			
337	042203	ETHYLENE GLYCOL	D	33		
338	042201	ETHYLENE GLYCOL BIS(TRICHLOROACETATE)	H	25		
339	042101	ETHYLENE GLYCOL ETHER OF PINENE		33		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
340	042202	ETHYLENE GLYCOL MONOMETHYL ETHER	D	33		
341	042301	ETHYLENE OXIDE	D,I	33		
342	043102	ETHYL FORMATE	I	11		
343	046610	1=ETHYL=2=HEPTADECENYL=1=(2=HYDROXYETHYL) IMIDAZOLINIUM BROMIDE	D	33		
344	024004	2=ETHYLHEXOATE SALT OF MAGNESIUM QUINOLINOLATE	F	22		
345	041505	ETHYLMERCURY PHOSPHATE	F	22		
346	041801	O=ETHYL O=(P=NITROPHENYL) PHENYLPHOSPHONOTHIOATE	I	12		
347	454300	N=(1=ETHYLPROPYL)=3,4=DIMETHYL=2,6=DINITROBENZENAMIDE		25		
348	058701	O=(2=(ETHYLTHIO)ETHYL) O,O=DIMETHYL PHOSPHOROTHIOATE AND S=(2=(ETHYLTHIO)ETHYL) O,O=DIMETHYL PHOSPHOROTHIOATE		16		
349	063010	FATTY ACID ESTERS* OF PENTACHLOROPHENOL (100% C6=C20)	H,I,F,K	24		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
350	079059	FATTY ALCOHOLS (54.5% C10, 45.1% C8, 0.4% C6)		25		
351	079029	FATTY ALCOHOLS (56% C10, 42% C8, 1.5% C12, 0.5% C6)		25		
352	079089	FATTY ALCOHOLS (55.10% C10, 42.88% C8, 1.01% C6, 1.01% C12)		25		
353	034902	FERRIC SULFATE	H	22		
354	050506	FERROUS AMMONIUM SULFATE	H	22		
355	075002	FLUOROACETAMIDE	R	11		
356	075305	FLUOSILIC ACID OR HYDROFLUOSILICIC ACID	D	32		
357	063505	FUEL OIL	I	17		
358	051201	FUMARIC ACID		32		
359	009001	GAMMA ISOMER OF BENZENE HEXACHLORIDE FROM LINDANE	I	15		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
360	000104	GLUCONIC ACID	D	32		
361	043901	GLUTARALDEHYDE	D	33		
362	063507	GLYCEROL		15		
363	079091	GLYCERYL P-AMINOBENZOATE				
364	000101	GLYCOLIC ACID		32		
365	000102	GLYCOLIC ACID, POSTASSIUM SALT OF		32		
366	099401	GUM RESINS		11		
367	067202	HARDWOOD DISTILLATE		11		
368	067201	HARDWOOD OIL		11		
369	006602	HEAVY AROMATIC NAPHTHA				

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
370	044801	HEPTACHLOROTETRAHYDRO-4,7-METHANOINDENE = HEPTACHLOR	I	15		
371	046608	1-HEPTADECENYL-2-(2-HYDROXYETHYL) IMIDAZOLINIUM CHLORIDE	D	33		
372	046612	2-HEPTADECENYL IMIDAZOLINE	D	33		
373	046618	HEPTADECENYL IMIDAZOLINIUM CHLORIDE		32		
374	046611	HEPTADECYL HYDROXYETHYL IMIDAZOLINE	D	33		
375	046607	HEPTADECYL HYDROXYETHYLIMIDAZOLINIUM CHLORIDE		33		
376	046617	HEPTADECYL HYDROXYETHYL IMIDAZOLINIUM HYDROCHLORIDE		32		
377	043601	2-HEPTADECYL-2-IMIDAZOLINE ACETATE	F	21		
378	043602	2-HEPTADECYL-1-METHYL-1-(2-(STEAROYLAMIDO)ETHYL) IMIDAZOLINIUM, METHYL SULFATE	D	33		
379	027502	HEXACHLOROCYCLOPENTADIENE	I	11		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
380	041601	HEXACHLOROEPOXYOCTAHYDRO-ENDO,ENDO-DIMETHANONAPHTHALENE = ENDRIN		15		
381	045001	HEXACHLOROEPOXYOCTAHYDRO-ENDO,EXO-DIMETHANONAPHTHALENE = DIELDRIN	I	15		
382	045201	HEXACHLOROETHANE	I	11		
383	045101	HEXACHLOROHEXAHYDRO-ENDO, EXO-DIMETHANO-NAPHTHALENE 95% AND RELATED COMPOUNDS 5% = ALDRIN		15		
384	045302	3,4,5,6,7,7-HEXACHLORO-N-(METHYLMERCURI)-1,2,3,6-TETRAHYDRO-3,6-ENDOMETHANOPHTHALIMIDE		15		
385	082901	HEXAHYDRO-1,3,5-TRIETHYL-S-TRIAZINE	F	33		
386	083301	HEXAHYDRO-1,3,5-TRIS(2-HYDROXYETHYL)-S-TRIAZINE	H	33		
387	045502	1,1'-HEXAMETHYLENE BIS(5-(P-CHLOROPHENYL)BIGUANIDE)DIACETATE	F,D	33		
388	045501	HEXAMETHYLENETETRAMINE	D	33		
389	079047	N-HEXANOL		33		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
390	046912	HYDRIODIC ACID	D	32		
391	006312	HYDROCORTISONE		15		
392	045801	HYDROCYANIC ACID	I,R	11		
393	045601	HYDROFLUORIC ACID	D	32		
394	031604	HYDROGENATED CASTOR OIL		11		
395	039121	HYDROXYETHYLENEDIAMINETETRAACETIC ACID, SODIUM SALT OF		34		
396	039109	HYDROXYETHYLETHYLENEDIAMINETRIACETIC ACID, TRISODIUM SALT OF		34		
397	046605	1-(2-HYDROXYETHYL)-2-HEPTADECENYLIMIDAZOLINE	D	33		
398	046301	2-HYDROXYETHYL OCTYL SULFIDE	I	17		
399	099001	2-((HYDROXYMETHYL)AMINO) ETHANOL		33		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
400	104001	2-((HYDROXYMETHYL)AMINO)-2-METHYLPROPANOL		33		
401	083902	2-(HYDROXYMETHYL)-2-NITRO-1,3-PROPANEDIOL		11		
402	035604	S-(2-HYDROXYPROPYL) THIOMETHANESULFONATE	F	33		
403	086201	5-(ALPHA-HYDROXY-ALPHA-2-PYRIDYLBENZYL)-7-(ALPHA-2-PYRIDYLBENZYLIDENE)-5-NORBORNENE-2,3-DICARBOXIMIDE = NORBORMIDE	R	11		
404	046401	ICHTHAMMOL		15		
405	046701	INDOLE-3-BUTYRIC ACID	P	25		
406	046905	IODINE	D	34		
407	046917	IODINE-POTASSIUM IODIDE COMPLEX	D	34		
408	067210	*ISOBORNYL ACETATE		32		
409	001507	ISOBUTYL ALCOHOL		34		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
410	101502	ISOBUTYRIC ACID	F	25		
411	079004	ISOOCTYL PHENOXY POLYETHOXY ETHANOL		33		
412	047401	ISOPHORONE	H	15		
413	103901	3=ISOPROPYL=1H=2,1,3=BENZOTHIADIAZIN=4(3H)=ONE=2,2=DIOXIDE = BENTAZON, SODIUM SALT OF	H	25		
414	022104	ISOPROPYL=O=CRESOL		32		
415	026801	ISOPROPYL 4,4'=DICHLOROBENZILATE = CHLOROPROPYLATE		13		
416	031606	ISOPROPYL LANOLIN		17		
417	000207	ISOPROPYL MYRISTATE		17		
418	047801	M=ISOPROPYLPHENYL METHYLCARBAMATE		12		
419	080404	ISOTHYMOXY CHLOROETHYL ETHER		34		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
420	067702	2=ISOVALERYL=1,3=INDANDIONE	I,R	11		
421	067706	2=ISOVALERYL=1,3=INDANDIONE, CALCIUM SALT OF	I,R	11		
422	067709	2=ISOVALERYL=1,3=INDANDIONE, SODIUM SALT OF	I,R	11		
423	067203	JUNIPER TAR		22		
424	063501	KEROSENE OR DEODORIZED BASE OIL	I	17		
425	031601	LANOLIN		17		
426	002202	LARKSPUR ALKALOID		11		
427	001509	LAURYL ALCOHOL		31		
428	079018	LAURYL DIETHANOLAMIDE	D	34		
429	079055	N=LAURYL DIETHYLENE TRIAMINE		34		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
430	053101	LAURYL METHACRYLATE		32		
431	051703	LAURYL PYRIDINIUM SALT OF 5-CHLORO-2-MERCAPTOBENZOTHIAZOLE	F	33		
432	048001	LEAD ACETATE	F	23		
433	079701	LIMONENE		32		
434	031603	LINSEED OIL		24		
435	079049	LITHIUM STEARATE		32		
436	013902	MAGNESIUM CHLORIDE		33		
437	075304	MAGNESIUM FLUOSILICATE		17		
438	079017	MAGNESIUM LAURYL SULFATE	D	34		
439	072601	MAGNESIUM SILICATE		33		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
440	039504	MALACHITE GREEN		17		
441	009201	MANGANOUS BENZOTHIAZYLMERCAPTIDE		21		
442	034802	MANGANOUS DIMETHYL DITHIOCARBAMATE	I	15		
443	014505	MANGANOUS ETHYLENEBISDITHIOCARBAMATE = MANEB	F	21		
444	051601	MENTHOL		11		
445	052001	MERCURIC CHLORIDE	F	22		
446	052102	MERCURIC OXIDE	F	22		
447	052201	MERCUROUS CHLORIDE OR CALOMEL	F	22		
448	053001	METALDEHYDE	K	12		
449	052301	METALLIC MERCURY	F	22		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
450	097006	METHAPYRILENE HYDROCHLORIDE		15		
451	015604	1-METHOXY-4-PROPENYLBENZENE	D	32		
452	053801	METHYL ALCOHOL OR METHANOL	H,F	33		
453	054001	METHYLATED AROMATIC PETROLEUM DERIVATIVES		17		
454	054002	METHYLATED NAPHTHALENES		17		
455	099101	METHYL-1-(BUTYLCARBOMOYL)-2-BENZIMIDAZOLECARBAMATE = BENOMYL	F	22		
456	059302	3-(1-METHYLBUTYL)PHENYL METHYLCARBAMATE AND 3-(1-ETHYLPROPYL)PHENYL METHYLCARBAMATE = BUFENCARB (USE 2 CODE NOS 059301 AND 059302)		12		
457	077706	METHYL-2,3-DIBROMOPROPIONATE	F	34		
458	055005	2,2'-METHYLENE BIS(4-CHLOROPHENOL), SODIUM SALT OF	D	32		
459	055004	2,2'-METHYLENE BIS(4,6-DICHLOROPHENOL)	D	32		

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460	055006	2,2'=METHYLENE BIS(4,6=DICHLOROPHENOL),SODIUM SALT OF	D	32		
461	068102	METHYLENE BIS(THIOCYANATE)	F	22		
462	039505	METHYLENE BLUE				
463	042004	METHYLENE CHLORIDE	I,P	11		
464	079034	METHYL ESTERS OF FATTY ACIDS (C8 = C12)		25		
465	044103	METHYL ETHYL KETONE		11		
466	061201	METHYL P=HYDROXYBENZOATE		33		
467	044105	METHYL ISOBUTYL KETONE		11		
468	051902	METHYLMERCURY QUINOLINOLATE	F	22		
469	056006	2=METHYL=1=NAPHTHALENEACETAMIDE	P	25		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
470	056005	2-METHYL-1-NAPHTHALENEACETIC ACID	P	25		
471	079039	METHYL NAPHTHALENE SULFONATE		34		
472	044102	METHYL NONYL KETONE	I	11		
473	068601	2-METHYL-2,4-PENTANEDIOL	D	33		
474	097003	3-(2-METHYLPIPERIDINO)PROPYL 3,4-DICHLOROBENZOATE	F	25		
475	054101	6-METHYL-2,3-QUINOXALINEDITHIOL CYCLIC S,S-DITHIOCARBONATE	I,F	13		
476	098401	METHYLROSANILINE CHLORIDE	I	32		
477	076601	METHYL SALICYLATE	D	33		
478	012401	2,2'-(1-METHYLTRIMETHYLENEDIOXY)BIS(4-METHYL-1,3,2-DIOXABORINANE		33		
479	063506	MINERAL SPIRITS		17		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
480	069205	MIXED ALKYL PYRIDINES		11		
481	014601	MIXTURE OF 5,2 PARTS BY WEIGHT (83,9%) OF AMMONIATES OF (ETHYLENE=BIS(DITHIOCARBAMATO)) ZINC WITH 1 PART BY WEIGHT (16,1%) ETHYLENE BIS (DITHIOCARBAMIC ACID), BIMOLECULAR AND TRIMOLECULAR CYCLIC ANHYDROSULFIDES AND DISULFIDES	F	21		
482	013808	MONOAMMONIUM ACID METHANEARSONATE	H	23		
483	079036	MONOETHANOLAMIDES OF THE FATTY ACIDS OF COCONUT OIL		34		
484	079080	MONOETHANOLAMINE LAURATE		34		
485	079078	MONOETHANOLAMINE OLEATE		32		
486	013803	MONOSODIUM ACID METHANEARSONATE	H	23		
487	076409	MONOSODIUM PHOSPHATE	D	33		
488	035502	MONURON TRICHLOROACETATE 3=(P=CHLOROPHENYL)=1,1=DIMETHYLUREA TRICHLORACETATE; (3=(P=CHLOROPHENYL)=1,1=DIMETHYLUREA TRICHLOROACETATE)	H	25		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
489	054701	MORPHOLINE	F	33		
490	079065	MORPHOLINE POLYETHOXYETHANOL		33		
491	055801	NAPHTHALENE		11		
492	056002	1=NAPHTHALENEACETIC ACID	P	25		
493	056004	1=NAPHTHALENEACETIC ACID, AMMONIUM SALT OF	P	25		
494	056008	1=NAPHTHALENEACETIC ACID, ETHYL ESTER OF	P	25		
495	056003	1=NAPHTHALENEACETIC ACID, POTASSIUM SALT OF	P	25		
496	056007	1=NAPHTHALENEACETIC ACID, SODIUM SALT OF	P	25		
497	010301	BETA=NAPHTHOL		15,32		
498	056801	1=NAPHTHYL N=METHYLCARBAMATE = CARBARYL	I,P	12		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
499	055601	(2-NAPHTHYLOXY) ACETIC ACID	P	25		
500	004501	ALPHA-NAPHTHYLTHIOUREA	R	11		
501	006303	NEOMYCIN		21		
502	006313	NEOMYCIN SULFATE		21		
503	050505	NICKEL SULFATE HEXAHYDRATE	F	21		
504	039106	NITRILOTRIACETIC ACID, TRISODIUM SALT OF	D	32		
505	100801	4-(2-NITROBUTYL)MORPHOLINE 70% (PART 1 OF 2; USE 2 CODE NOS 100801 AND 100802)		33		
506	099601	NITROCELLULOSE		11		
507	101301	N(ALPHA-(1-NITROETHYL)BENZYL)ETHYLENEDIAMINE, POTASSIUM SALT OF		33		
508	067801	2-NITRO-2-METHYL-1,3-PROPANEDIOL		33		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
509	056301	P=NITROPHENOL	F	12,34		
510	079005	NONYLPHENOXYPOLYETHOXYETHANOL		33		
511	046903	NONYLPHENOXYPOLYETHOXYETHANOL=IODINE COMPLEX	D	34		
512	058501	OCTACHLOROHEXAHYDRO=4,7=METHANOISOBENZOFURAN	I	15		
513	058201	OCTACHLORO=4,7=METHANOTETRAHYDROINDANE = CHLORDANE	I	15		
514	067316	N=9=OCTADECENYL=1,3=PROPANEDIAMINE MONOGLUCONATE	D	31		
515	079037	1=OCTANOL OR N=OCTANOL		25		
516	013804	OCTYLAMMONIUM METHANEARSONATE	F	25		
517	057001	N=OCTYL BICYCLOHEPTENE DICARBOXIMIDE	I	17		
518	064118	OCTYLPHENOL		32		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
519	046915	OCTYLPHENOXYPOLYETHOXYETHANOL=IODINE COMPLEX	D	34		
520	057101	N=OCTYL SULFOXIDE OF ISOSAFROLE	I	17		
521	015603	OIL CAMPHOR SASSAFRASSY	F	17		
522	040503	OIL OF EUCALYPTUS	I	11		
523	031702	OLEIC ACID	D	32		
524	059401	ORTHODICHLOROBENZENE OR O=DICHLOROBENZENE	I	11		
525	009601	OXALIC ACID		32		
526	012602	10,10'=OXYBISPHENARSAZINE		22		
527	012601	10,10'=OXYBISPHENOXARSINE	F,S	22		
528	001506	OXYETHYLATED=TERT=BUTYLPHENOL	D	32		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
529	006304	OXYTETRACYCLINE		21		
530	102201	PALOJA	B	11		
531	063101	PENTACHLORODIHYDROXYTRIPHENYLMETHANESULFONIC ACID		34		
532	063001	PENTACHLOROPHENOL	H,I,F,K	24		
533	063002	PENTACHLOROPHENOL, POTASSIUM SALT OF	H,I,F,K	24		
534	063009	PENTACHLOROPHENOL, ZINC SALT OF ALKYL* =N=PROPANEDIAMINE *(C16=C18)	H,I,F,K	24		
535	098001	N=PENTANE	I	11		
536	100701	1=PENTANETHIOL	I	11		
537	039120	PENTASODIUM DIETHYLENETRIAMINE ACETATE		34		
538	100901	N=PENTYL VALERATE		17		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
539	063201	PEROXYACETIC ACID	D	32		
540	063503	PETROLEUM DISTILLATE, OILS, SOLVENT, OR HYDROCARBONS; ALSO PARAFFINIC HYDROCARBONS, ALIPHATIC HYDROCARBONS, PARAFFIN OIL				
541	011401	PETROLEUM RESINS		11		
542	063901	PHENARSAZINE CHLORIDE	H	24		
543	031611	PHENOLIC = TUNG OIL VARNISH	I	32		
544	064102	PHENOLSULFONIC ACID	D	32		
545	064501	PHENOTHIAZINE	I	15		
546	035507	3=PHENYL=1,1=DIMETHYLUREA = FENURON	H	25		
547	102601	2=PHENYLETHYL PROPIONATE	T	17		
548	066003	PHENYLMERCURIC ACETATE	D	22		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
549	066004	PHENYLMERCURIC AMMONIUM ACETATE	F	22		
550	066023	PHENYLMERCURIC AMMONIUM PROPIONATE	F	22		
551	066005	PHENYLMERCURIC BORATE	F	22		
552	066006	PHENYLMERCURIC CARBONATE	F	22		
553	066024	PHENYLMERCURIC 2-ETHYLHEXANOATE	F	22		
554	066010	PHENYLMERCURIC FORMAMIDE	F	22		
555	066012	PHENYLMERCURIC LACTATE	F	22		
556	066022	PHENYLMERCURIC OLEATE OR S-TRIAZINETRIOL	F	22		
557	066018	PHENYLMERCURIC PROPIONATE	F	22		
558	066021	PHENYLMERCURIC TRIETHANOL AMMONIUM LACTATE	F	22		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
559	067402	N=(1=PHENYL=2=NITROPROPYL) PIPERAZINE, POTASSIUM SALT OF	I	15		
560	076001	PHOSPHORIC ACID	D	32		
561	066502	PHOSPHORUS	R	11		
562	067001	PINENE	D	32		
563	067002	PINE OIL	D	32		
564	067204	PINE TAR	D	22		
565	067205	PINE TAR OIL	F	22		
566	067403	PIPERAZINE=CARBON DISULFIDE COMPLEX	I	15		
567	067401	PIPERAZINE DIHYDROCHLORIDE		15,34		
568	067703	2=PIVALYL=1,3=INDANDIONE	I,R	11		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
569	006316	POLYAMIDOHYGROSTREPTIN		21		
570	011402	POLYBUTENE	I	11		
571	017802	POLYCHLORINATED TERPHENYLS	I	15		
572	046904	POLYETHOXYPOLYPROPOXYETHANOL-IODINE COMPLEX	D	34		
573	046913	POLYETHOXYPOLYPROPOXYPOLYETHOXYETHANOL,N-ALKYL* DI(BETA-HYDROXYETHYL) BENZYL AMMONIUM CHLORIDE-IODINE COMPLEX *(54% C12, 18% C14, 9% C18, 9% C16, 5% C10, 5% C8)		34		
574	046907	POLYETHOXYPOLYPROPOXYPOLYETHOXYETHANOL-N-ALKYL* DIMETHYL-3,4-DICHLORBENZYL AMMONIUM CHLORIDE-IODINE COMPLEX *(50% C12, 30% C14, 17% C16, 3% C18)		34		
575	046909	POLYETHOXYPOLYPROPOXYPOLYETHOXY ETHANOL-IODINE COMPLEX	D	34		
576	000152	POLYETHYLENE		11		
577	004101	POLYETHYLENE CONDENSATE WITH ABIETYLAMINE		32		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
578	079073	POLYETHYLENE GLYCOL DISTEARATE		33		
579	101901	N=POLYETHYLENE POLYAMINE (18=MOLE) N=OLEYLAMINE HYDROCHLORIDE	D	31		
580	011403	POLYISOBUTYLENE		11		
581	079032	POLYMERIZED GLYCERYL OLEATE		15		
582	079074	POLYOXYETHYLENE SORBITAN MONOLAURATE	D	34		
583	079086	POLYOXYETHYLENE SORBITAN MONOOLEATE		17		
584	079007	POLYOXYETHYLENE SORBITOL MIXED ETHER ESTER OF		17		
585	079075	POLYOXYETHYLENE SORBITOL OLEATE=LAURATE	D	34		
586	068602	POLYPROPYLENE GLYCOL	D	33		
587	079033	POLYVINYLPYRROLIDONE	F	21		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
588	046914	POLYVINYLPYRROLIDONE=IODINE COMPLEX	D	34		
589	014507	POTASSIUM AMMONIUM ETHYLENE BISDITHIOCARBAMATE	F	21		
590	005605	*POTASSIUM BISULFATE	S	34		
591	013903	POTASSIUM BROMIDE		34		
592	073504	POTASSIUM CARBONATE	D	32		
593	068301	POTASSIUM CHROMATE	F	22		
594	068002	POTASSIUM CYANATE	H	23		
595	068302	POTASSIUM DICHROMATE	F	22		
596	079008	POTASSIUM DODECYLBENZENE SULFONATE	D	34		
597	079040	POTASSIUM FISH OIL SOAP	I	15		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
598	075602	POTASSIUM HYDROXIDE	D,H	33		
599	075703	POTASSIUM IODATE	D	34		
600	075701	POTASSIUM IODIDE	D	34		
601	079021	POTASSIUM LAURATE		34		
602	052107	POTASSIUM MERCURIC IODIDE	F	22		
603	039002	POTASSIUM N-METHYLDITHIOCARBAMATE	D	33		
604	079022	POTASSIUM MYRISTATE	D	32		
605	076103	POTASSIUM NITRATE	I	13		
606	068501	POTASSIUM PERMANGANATE	F	22		
607	063604	MONOPOTASSIUM PEROXYMONOSULFATE POTASSIUM PEROXYMONOSULFATE		34		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
608	063602	POTASSIUM PERSULFATE	D	34		
609	076413	POTASSIUM PHOSPHATE, MONOBASIC		33		
610	076407	POTASSIUM PHOSPHATE, TRIBASIC		33		
611	076703	POTASSIUM POLYSULFIDE		34		
612	079023	POTASSIUM RICINOLEATE		33		
613	075903	POTASSIUM TETRATHIONATE		15		
614	080102	POTASSIUM THIOSULFATE		21		
615	079031	POTASSIUM TOLUENE SULFONATE		32		
616	064204	POTASSIUM 2,4,5=TRICHLOROPHENATE	D	32		
617	064219	POTASSIUM 2,4,6=TRICHLOROPHENATE		32		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
618	079024	POTASSIUM XYLENE SULFONATE	D	34		
619	077702	PROPIONIC ACID	F	21		
620	047502	PROPYL ALCOHOL OR PROPANOL	F,D	25		
621	042005	PROPYLENE DICHLORIDE	I	11		
622	042501	PROPYLENE OXIDE	I	11		
623	061204	PROPYL 4=HYDROXYBENZOATE, SODIUM SALT OF	D	33		
624	069202	PYRIDINE		11		
625	069501	PYRIDYLMERCURIC ACETATE	F	22		
626	104501	N=3=PYRIDYLMETHYL=N'=P=NITROPHENYLUREA	R	11		
627	059803	8=QUINOLINOL	D	33		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
628	059801	8-QUINOLINOL BENZOATE	D	33		
629	059804	8-QUINOLINOL SULFATE	D	33		
630	059805	QUINONE	D	33		
631	084401	2,3-QUINOXALINEDITHIOL CYCLIC TRITHIOCARBONATE	I	13		
632	077901	N1-(2-QUINOXALINYL)SULFANILAMIDE	R	11		
633	070801	RED SQUILL	R	11		
634	040508	ROSIN OIL		15		
635	071003	ROTENONE	I,W	17		
636	071502	RYANODINE	D	17		
637	002201	SABADILLA ALKALOIDS	I	17		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
638	097901	SAFROLE	R	11		
639	077407	SALICYLANILIDE	F	34		
640	076602	SALICYLIC ACID	D	32		
641	072003	SELENIUM DISULFIDE	I	15		
642	072401	SESAME OIL	I	17		
643	072602	SILICA GEL	I	17		
644	072605	SILICON DIOXIDE	I	17		
645	072501	SILVER	D	33		
646	072502	SILVER FLUORIDE		33		
647	072504	SILVER SALT OF PARTIALLY POLYMERIZED MANNURONIC ACID	D	33		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
648	072701	SILVER THIURONIUM ACRYLATE CO-POLYMER	D	33		
649	079009	SOAP		32		
650	075308	SODIUM ALUMINUM FLUOSILICATE	I	17		
651	013505	SODIUM ARSENATE	H	23		
652	013603	SODIUM ARSENITE	H,I	23		
653	009103	SODIUM BENZOATE		31		
654	078201	SODIUM BISULFITE	F	34		
655	013907	SODIUM BROMIDE		34		
656	073506	SODIUM CARBONATE		34		
657	013905	SODIUM CHLORIDE		25		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
658	020502	SODIUM CHLORITE		34		
659	068303	SODIUM CHROMATE	F	22		
660	074002	SODIUM CYANIDE		11		
661	046919	SODIUM N=CYCLOHEXYL=N=PALMITOYL TAURATE=IODINE COMPLEX	D	34		
662	079092	SODIUM DECYL DIPHENYLETHER DISULFONATE		34		
663	027802	SODIUM DEHYDROACETATE	D	32		
664	044008	SODIUM DIACETATE		22		
665	079061	*SODIUM DI(1=ALKENYL*)PHENOXYBENZENE DISULFONATE *(100% C9 = C10)		32		
666	068304	SODIUM DICHROMATE	F	22		
667	039122	SODIUM DIHYDROXYETHYLGLYCINE		32		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
668	079076	SODIUM DIISOPROPYLNAPHTHALENE SULFONATE	D	34		
669	034804	SODIUM DIMETHYL DITHIOCARBAMATE	F	21		
670	076411	SODIUM DI(MONOETHANOLAMINE)PHOSPHATE		34		
671	046920	SODIUM DODECYLBENZENESULFONATE=IODINE COMPLEX	D	34		
672	079081	SODIUM DODECYL DIPHENYL OXIDE SULFONATE		32		
673	078901	SODIUM ETHYLMERCURITHIOSALICYLATE		33		
674	075202	SODIUM FLUORIDE	I	17		
675	075003	SODIUM FLUOROACETATE		22		
676	075306	SODIUM FLUOSILICATE	I	17		
677	000103	SODIUM GLCOLATE		32		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
678	075603	SODIUM HYDROXIDE		33		
679	079026	SODIUM LAURATE		34		
680	000174	SODIUM N=LAURYL SARCOSINATE		32		
681	079011	SODIUM LAURYL SULFATE	D,I	34		
682	072604	SODIUM METASILICATE		33		
683	079068	SODIUM METHYL OLEYL TAURATE	D	34		
684	079053	SODIUM METHYLUNDECYL BENZENE SULFONATE	D	34		
685	079060	*SODIUM MONO (1=ALKENYL*)PHENOXYBENZENE DISULFONATE *(100% C9 = C10)		32		
686	079083	SODIUM MONO AND DIMETHYL NAPHTHALENE SULFONATE	D	34		
687	076104	SODIUM NITRATE	R,D	11		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
688	076204	SODIUM NITRITE	H,R	11		
689	079057	SODIUM OCTYLBENZENE SULFONATE	D	34		
690	031704	SODIUM OLEATE		32		
691	063003	SODIUM PENTACHLOROPHENATE	H,I,F,K	24		
692	011105	SODIUM PERBORATE		34		
693	064002	SODIUM PHENATE	F	22		
694	064117	SODIUM P=PHENYLPHENATE	D	32		
695	076403	SODIUM PHOSPHATE	D	33		
696	079054	SODIUM POLYETHOXYETHYL DODECYLSULFATE		34		
697	006902	SODIUM POLYSULFIDE	F	22		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
698	013401	SODIUM PYROARSENATE		12		
699	079035	SODIUM SALT OF PETROLEUM SULFONIC ACID		34		
700	072603	SODIUM SILICATE		34		
701	005604	SODIUM SULFATE		34		
702	078203	SODIUM SULFITE	D	34		
703	079093	SODIUM SULFORICINOLEATE		32		
704	080104	SODIUM THIOSULFATE		34		
705	064220	SODIUM 2,4,6=TRICHLOROPHENATE	D	32		
706	079072	SODIUM TRIDECYLBENZENE SULFONATE	D	34		
707	076404	SODIUM TRIPOLYPHOSPHATE	D	33		

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LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
708	075902	SORBIC ACID, POTASSIUM SALT OF	D,F	32		
709	099701	SPERM OIL	O			
710	013502	STANDARD LEAD ARSENATE	I,F,P	16		
711	063504	STODDARD SOLVENT		17		
712	006310	STREPTOMYCIN SULFATE		34		
713	076901	STRYCHNINE	R,B,M	11		
714	076902	STRYCHNINE SULFATE	R,B,M	11		
715	077904	SULFACETAMIDE		11		
716	077902	SULFANILAMIDE		11		
717	077903	SULFATHIAZOLE	F	22		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
718	022106	SULFONATED CRESOL		32		
719	079064	SULFONATED OLEIC ACID, SODIUM SALT OF		32		
720	079013	SULFONATED VEGETABLE OIL	I	34		
721	077601	SULFUR DIOXIDE	I	11		
722	078001	SULFURIC ACID	H	32		
723	078003	SULFURYL FLUORIDE	I	11		
724	078502	TANNIC ACID	I	32		
725	022004	TAR		22		
726	006201	TARTAR EMETIC OR ANTIMONY POTASSIUM TARTRATE	I	13		
727	080501	TECHNICAL CHLORINATED CAMPHENE (67-69% CHLORINE) = TOXAPHENE	I	12		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
728	020401	TERPENE POLYCHLORINATES (65% OR 66% CHLORINE) CONSISTS OF CHLORINATED CAMPHENE, PINENE, AND RELATED POLYCHLORINATES	I	12		
729	006308	TERRAMYCIN OR OXYTERTRACYCLINE HYDROCHLORIDE		21		
730	097005	TETRACAINE HYDROCHLORIDE		15		
731	079301	TETRACHLORO=P=BENZOQUINONE = CHLORANIL	F	21		
732	078601	1,1,2,2=TETRACHLOROETHANE		11		
733	078501	TETRACHLOROETHYLENE		11		
734	078401	1,3,4,6=TETRACHLOROGLYCOLURIL AND RELATED COMPOUNDS		34		
735	068901	2,3,5,6=TETRACHLORO=4=(METHYLSULFONYL)PYRIDINE		33		
736	074701	TETRACHLOROTHIOPHENE	I	11		
737	079069	TETRADECYLBENZENE SULFONATE=HYPOCHLOROUS ACID COMPLEX		34		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
738	004207	TETRAHYDROABIETYLAMINE ACETATE	S	33		
739	046908	TETRAIODOETHYLENE		22		
740	055901	TETRALIN		15		
741	076408	TETRAPOTASSIUM PYROPHOSPHATE		32		
742	039107	TETRASODIUM ETHYLENE DIAMINETETRAACETATE		34		
743	076405	TETRASODIUM PYROPHOSPHATE		32		
744	080001	THALLIUM SULFATE	R,M	11		
745	064208	2,2'-THIOBIS(4-CHLORO-6-METHYLPHENOL)	F	16		
746	064209	2,2'-THIOBIS(4-CHLOROPHENOL)	F	22		
747	064201	2,2'-THIOBIS(4,6-DICHLOROPHENOL)	F	22		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
748	010101	BETA=THIOCYANOETHYL ESTERS OF MIXED FATTY ACIDS CONTAINING 10 TO 18 CARBON ATOMS		17		
749	080402	THYMOL		32		
750	080401	THYMOXYDICHLOROACETIC ACID		23		
751	056704	TOBACCO DUST		11		
752	080601	TOLUENE	I	17		
753	079058	TOLUENE SULFONIC ACID	D	34		
754	079051	TOLUENE SULFONIC ACID, SODIUM SALT OF	D	34		
755	077404	3,4',5=TRIBROMOSALICYLANILIDE	D	34		
756	080901	TRIBUTYL=2,4=(DICHLOROBENZYL)PHOSPHONIUM CHLORIDE	P	25		
757	074801	S,S,S=TRIBUTYL PHOSPHOROTRITHIOATE	X	25		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
758	074901	TRIBUTYL PHOSPHOROTRITHIOITE	X	35		
759	083107	TRIBUTYLTIN CHLORIDE	H	24		
760	083108	TRIBUTYLTIN CHLORIDE COMPLEX OF ETHYLENE OXIDE CONDENSATE OF ABIETYLAMINE	D	33		
761	083115	TRIBUTYLTIN ISOPROPYL SUCCINATE	D	33		
762	083109	TRIBUTYLTIN LINOLEATE	D	33		
763	083110	TRIBUTYLTIN MONOPROPYLENE GLYCOL MALEATE	D	33		
764	083111	TRIBUTYLTIN NEODECANOATE	D	33		
765	083114	TRIBUTYLTIN RESINATE	K	33		
765,5	083116	TRIBUTYLTIN SALICYLATE		33		
766	078802	S=2,3,3=TRICHLOROALLYL DIISOPROPYLTHIOCARBAMATE	H	25		
767	081101	1,2,4=TRICHLOROBENZENE	H	25		

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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
768	017304	TRICHLOROBENZYL CHLORIDE	H	25		
769	081801	1=((2,3,6=TRICHLOROBENZYL)OXY)=2=PROPANOL		23		
770	081201	1,1,1=TRICHLOROETHANE		11		
771	081202	TRICHLOROETHYLENE	I	11		
772	077101	TRICHLOROMELAMINE	D	34		
773	000013	TRICHLOROMONOFLUOROMETHANE		17		
774	064210	2,4,5=TRICHLOROPHENOL	F	22		
775	064212	2,4,6=TRICHLOROPHENOL	F	32		
776	064217	2,4,5=TRICHLOROPHENOL, SODIUM SALT OF	D	32		
777	082001	2,4,5=TRICHLOROPHENOXYACETIC ACID	H	23		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
778	082011	2,4,5=TRICHLOROPHENOXYACETIC ACID, ALKYL* AMINE SALT OF *(100% C12)	H	23		
779	082013	2,4,5=TRICHLOROPHENOXYACETIC ACID, ALKYL* AMINE SALT OF *(100% C14)	H	23		
780	082076	2,4,5=TRICHLOROPHENOXYACETIC ACID, ALKYL* ESTER OF *(C3H7=C7H9)	H	23		
781	082051	2,4,5=TRICHLOROPHENOXYACETIC ACID, AMYL ESTER OF	H	23		
782	082053	2,4,5=TRICHLOROPHENOXYACETIC ACID, BUTOXYETHYL ESTER OF	H	23		
783	082055	2,4,5=TRICHLOROPHENOXYACETIC ACID, BUTOXYPROPYL ESTER OF	H	23		
784	082056	2,4,5=TRICHLOROPHENOXYACETIC ACID, BUTYL ESTER OF	H	23		
785	082038	2,4,5=TRICHLOROPHENOXYACETIC ACID, DIETHYLETHANOLAMINE SALT OF	H	23		
786	082019	2,4,5=TRICHLOROPHENOXYACETIC ACID, DIMETHYLAMINE SALT OF	H	23		
787	082020	2,4,5=TRICHLOROPHENOXYACETIC ACID, N,N=DIMETHYLOLEYLAMINE SALT OF	H	23		

EPA OFFICE OF PESTICIDE PROGRAMS
SAFETY DATA REQUIREMENTS TO SUPPORT REREGISTRATION OF PESTICIDE PRODUCT ACTIVE INGREDIENTS
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788	082039	2,4,5=TRICHLOROPHENOXYACETIC ACID, N,N=DIMETHYL OLEYL=LINOLEYL AMINE SALT OF	H	23		
789	082063	2,4,5=TRICHLOROPHENOXYACETIC ACID, 2=ETHYLHEXYL ESTER OF	H	23		
790	082064	2,4,5=TRICHLOROPHENOXYACETIC ACID, 2=ETHYL=4=METHYLPENTYL) ESTER OF	H	23		
791	082062	2,4,5=TRICHLOROPHENOXYACETIC ACID, ISOBUTYL ESTER OF	H	23		
792	082066	2,4,5=TRICHLOROPHENOXYACETIC ACID, ISOPROPYL ESTER OF	H	23		
793	082029	2,4,5=TRICHLOROPHENOXYACETIC ACID, N=OLEYL=1,3=PROPYLENEDIAMINE SALT OF	H	23		
794	082072	2,4,5=TRICHLOROPHENOXYACETIC ACID, PROPYLENE GLYCOL BUTYL ETHER ESTER OF	H	23		
795	082033	2,4,5=TRICHLOROPHENOXYACETIC ACID, TRIETHANOLAMINE SALT OF	H	23		
796	082034	2,4,5=TRICHLOROPHENOXYACETIC ACID, TRIETHYLAMINE SALT OF	H	23		
797	028701	2=(2,4,5=TRICHLOROPHENOXY)ETHYL 2,2=DICHLOROPROPIONATE = ERBON	H	25		

LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
798	082501	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX	H	23		
799	082552	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, BUTOXYETHANOL ESTER OF	H	23		
800	082553	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, BUTOXYETHYL ESTER OF	H	23		
801	082576	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, BUTOXYPOLYPROPOXYPROPYL ESTER OF	H	23		
802	082555	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, BUTOXYPROPYL ESTER OF	H	23		
803	082516	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, DIETHANOLAMINE SALT OF	H	23		
804	082519	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, DIMETHYLAMINE SALT OF	H	23		
805	082563	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, ISOOCTYL(2=ETHYLHEXYL) ESTER OF	H	23		
806	082564	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, ISOOCTYL (2=ETHYL=4=METHYLPENTYL) ESTER OF	H	23		
807	082565	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, ISOOCTYL(2=OCTYL) ESTER OF	H	23		

EPA OFFICE OF PESTICIDE PROGRAMS
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808	082531	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, OLEYLAMINE SALT OF		23		
809	082577	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, POLYPROPOXYPROPYL ESTER OF	H	23		
810	082503	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, POTASSIUM SALT OF	H	23		
811	082572	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, PROPYLENE GLYCOL BUTYL ETHER ESTER OF	H	23		
812	082504	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, SODIUM SALT OF	H	23		
813	082533	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, TRIETHANOLAMINE SALT OF	H	23		
814	082534	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, TRIETHYLAMINE SALT OF	H	23		
815	082575	2=(2,4,5=TRICHLOROPHENOXY)PROPIONIC ACID = SILVEX, TRIPROPYLENE GLYCOL ISOBUTYL ETHER ESTER OF	H	23		
816	082603	2,4,5=TRICHLOROPHENYLACETIC ACID		23		
817	046911	TRIDECYLPOLY(ETHYLENEOXY)ETHANOL=IODINE COMPLEX	D	34		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
818	004208	TRIETHANOLAMINE	D	34		
819	079020	TRIETHANOLAMINE DODECYLBENZENE SULFONATE	D	34		
820	079043	TRIETHANOLAMINE LAURATE	D	34		
821	079044	TRIETHANOLAMINE MYRISTATE	D	34		
822	046922	TRIETHANOLAMINE OCTYLSULFATE-IODINE COMPLEX		34		
823	079025	TRIETHANOLAMINE OLEATE		34		
824	079046	TRIETHANOLAMINE SALT OF LAURYL SULFATE	D	34		
825	008709	TRIETHANOLAMINE SULFONATE TRIDECYLPOLYOXYETHYLENEETHANOL-BROMINE COMPLEX	D	34		
826	083501	TRIETHYLENE GLYCOL	D	33		
827	036201	A,A,A-TRIFLUORO-4-NITRO-META-CRESOL (NOTE: EACH 'A' MUST APPEAR AS 'ALPHA' SYMBOL OR SPELLED OUT ON LABEL)	I	11		

EPA OFFICE OF PESTICIDE PROGRAMS
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828	004209	TRIISOPROPANOLAMINE		34		
829	004210	TRIISOPROPYLAMINE		34		
830	008711	*TRIMETHYLBENZYL AMMONIUM RESIN, POLYBROMIDE FORM	D	34		
831	041002	2,2,4=TRIMETHYL=1,3=PENTANEDIOL	I	17		
832	079014	TURKEY RED OIL OR SULFONATED CASTOR OIL	I	17		
833	084501	TURPENTINE	I	11		
834	006311	TYROTHRICIN		21		
835	085501	UNDECYLENIC ACID		32		
836	085702	UREA		25		
837	099501	VEGETABLE WAX		21		

LINE NO	CHEM CODE	CHEM-NAME	USES	PM	DATA-GAP	CALL-IN
838	068104	VINYLENE BISTHIOCYANATE	F	22		
839	086803	XYLENE RANGE AROMATIC SOLVENT		24		
840	079062	2,4-XYLENESULFONIC ACID	D	34		
841	086804	2,4-XYLENOL	D	24		
842	087801	ZINC CHLORIDE	F	22,24,32,33		
843	004211	ZINC DEHYDROABIETYLAMMONIUM 2-ETHYLHEXOATE	D	33		
844	014506	ZINC ETHYLENE BISDITHIOCARBAMATE = ZINEB	F	21		
845	041203	ZINC 2-ETHYLHEXOATE		22		
846	075307	ZINC FLUOSILICATE	I	17		
847	014504	ZINC ION AND MANGANESE ETHYLENE BISDITHIOCARBAMATE 80%, A COORDINATION PRODUCT OF MANGANESE 16%, ZINC 2%, ETHYLENE BISDITHIOCARBAMATE 62%	F	21		

EPA OFFICE OF PESTICIDE PROGRAMS
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LINE NO	CHEM CODE	CHEM=NAME	USES	PM	DATA=GAP	CALL=IN
848	021004	ZINC MERCURY CHROMATE		21		
849	088502	ZINC OXIDE	I,F	22		
850	089002	ZINC PHENOL SULFONATE	F	22		
851	024005	ZINC 8=QUINOLINOLATE	F	22		
852	077001	ZINC RESINATE		33		
853	089001	ZINC SULFATE	F	22		
854	079090	ZIRCONIUM OXIDE	D	17		

[FR Doc.76-4121 Filed 2-13-76;8:45 am]

federal register

TUESDAY, FEBRUARY 17, 1976

PART III:

DEPARTMENT OF LABOR

Office of the Secretary

■

PRIVACY ACT OF 1974

Supplemental Notice of Proposed System of Records

DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

PRIVACY ACT OF 1974

Supplemental Notice of Proposed Systems of Records

Pursuant to the requirements of sections (e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896), the Department of Labor hereby gives notice of the maintenance of systems of records designated DOL/ESA-22, DOL/ESA-23, DOL/ESA-24, DOL/ESA-25, DOL/OASA-10, DOL/OASA-11, DOL/OASA-12, DOL/OASA-13, DOL/OSHA-4, DOL/OSHA-5, DOL/OSHA-6, and DOL/OSHA-7. These systems of records were in existence on September 27, 1975, and should have been published in the notice of proposed systems published by the Department of Labor on September 8, 1975 (40 FR 41739), but, due to administrative oversight, were inadvertently omitted from that notice. The routine uses set forth in the prefatory statement accompanying the initial publication of systems of records (40 FR 41739) applies to the newly designated systems of records contained herein and is hereby incorporated by reference.

The Deprtment invites public comment on all parts of this notice. Interested persons are invited to submit written data, views and arguments to Seth D. Zinman, Associate Solicitor of Labor, Division of Legislation and Legal Counsel, Room N2428, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 on or before February, 1976. Written material received from the public through said date will be considered by the Department before taking action on a final notice. Submissions will be available for public inspection at the above address during normal working hours.

Signed in Washington, D.C. this 9th day of January, 1976.

Robert O. Aders,
Acting Secretary of Labor

DOL/ESA-22

System name: Advisory Committee on Sheltered Workshops members' files.

DOL/ESA-23

System name: Advisory Committee on Women to the Secretary of Labor member's files.

DOL/ESA-24

System name: Citizens' Advisory Council on the Status of Women correspondence files.

DOL/ESA-25

System name: Citizens' Advisory Council on the Status of Women Members' files.

DOL/OASA-10

System name: ACT Program Counseling and Evaluation Files.

DOL/OASA-11

System name: DOL Training Records.

DOL/OASA-12

System name: DPM Grievance, Adverse Action, and Unfair Labor Practice Files.

DOL/OASA-13

System name: Performance Requirements and Evaluation Files.

DOL/OSHA-4

System name: Advisory Committee Biographies, OSHA

DOL/OSHA-5

System name: Advisory Committee Candidates OSHA.

DOL/OSHA-6

System name: OSHA Compliance Safety & Health Officer Manpower File.

DOL/OSHA-7

System name: Reports by Employees of Unsafe or Unhealthful Working Conditions

DOL/ESA-22

System name: Advisory Committee on Sheltered Workshops members' files.

System location: Room S3513, Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Past and current members of the Advisory Committee on Sheltered Workshops.

Categories of records in the system: Biographical information and corresponnce.

Authority for maintenance of the system: Fair Labor Standards Act, as amended. Advisory Committee on Sheltered Workshops Charter, January 5, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical information submitted to the Civil Service Commission and the FBI for name checks prior to nomination.

Storage: Manual files.

Retrievability: By member's name.

Safeguards: Building security.

Retention and disposal: Retained in files 20 years, then offered to the National Archives.

System manager(s) and address: Chief, Branch of Handicapped Worker Problems, Room S3513, Department of Labor Building, Washington, D.C.

Notification procedure: Administrator, Wage and Hour Division, 200 Constitution Avenue, Washington, D.C. 20210.

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Members, their offices, or other Federal agencies.

DOL/ESA-23

System name: Advisory Committee on Women to the Secretary of Labor member's files.

System location: Office of the Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Members of the Advisory Committee on Women to the Secretary of Labor.

Categories of records in the system: Biographical information

Authority for maintenance of the system: Advisory Committee on Women to the Secretary of Labor Charter, December 5, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical information is submitted to the Civil Service Commission and the FBI for name check prior to nomination.

Storage: Manual files.

Retrievability: By member's name.

Safeguards: Building security

Retention and disposal: Records destroyed after expiration of the member's term.

System manager(s) and address: Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor Building, Washington, D.C. 20210.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals covered.

DOL/ESA-24

System name: Citizens' Advisory Council on the Status of Women correspondence files.

System location: Office of the Executive Secretary, Citizens' Advisory Council on the Status of Women, Room S3005, Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Individuals corresponding with the Citizens' Advisory Council on the Status of Women.

Categories of records in the system: Personal.

Authority for maintenance of the system: Executive Order 11126, as amended by Executive Order 11221. Citizens' Advisory Council on the Status of Women, Charter, January 5, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Manual files.

Retrievability: By correspondent's name.

Safeguards: Building security.

Retention and disposal: Not yet determined.

System manager(s) and address: Executive Secretary, Citizens' Advisory Council on the Status of Women, Room S3005, Department of Labor Building, Washington, D.C. 20210.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Correspondence from individuals covered.

DOL/ESA-25

System name: Citizens' Advisory Council on the Status of Women Members' files.

System location: Office of the Executive Secretary, Citizens Advisory Council on the Status of Women, Room S3005, Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Past and current members of the Citizens' Advisory Council on the Status of Women.

Categories of records in the system: Biographical information.

Authority for maintenance of the system: Executive Order 11126, as amended by Executive Order 11221. Citizens' Advisory Council on the Status of Women, Charter. January 5, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual files.

Retrievability: By member's name.

Safeguards: Building security.

Retention and disposal: Not yet determined.

System manager(s) and address: Executive Secretary Citizens' Advisory Council on the Status of Women, Room S3005, Department of Labor Building, Washington, D.C. 20210.

Notification procedure: Same as above

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals covered.

DOL/OASA-10

System name: ACT Program Counseling and Evaluation Files.

System location: A record file on each participant in the ACT (Administrative, Clerical, and Technical) Career Development Program is kept by the agency or regional program's Career Counselor. Selected forms and questionnaires are forwarded periodically to the National ACT Office staff in the Office of Education and Career Development, Room N4417, New Department of Labor Building, Washington, D.C. 20210. This information is entered in the DOL Computer System. In addition, a copy of one form, The Individual Development Plan, is kept by a program participant's supervisor for the purpose of planning for training activities in his/her office.

Categories of individuals covered by the system: Administrative, Clerical, and Technical (ACT) employees, GS 1-11, of the Department of Labor who choose to participate in the ACT Career Development Program in their Agency or Region.

Categories of records in the system: The records kept generally relate to education and career development of ACT employees. There are two basic evaluation forms kept on each ACT participant. These are the Participant Activities Form and the Counselor Activities Form. In addition, periodic interviews with counselors, program participants, supervisors of ACT employees, program coordinators, Employee Development Officers, and other individuals significant to program implementation in agencies and regions are held according to written interview guidelines in conjunction with the evaluation system. Records of these interviews are kept on file in the National Office identifiable by the position of the interviewee. Additional information on ACT participants may be gathered by the career counselor in an agency or regional program. Examples of the kinds of records that might be kept in a participant's file folder include: Intake, or initial interview forms; Participant self-assessment forms; Supervisor's evaluation or analysis of the employee in terms of current job performance, strengths, deficiencies, readiness for career development, etc.; Individual Career Development Plan; Work, education, and training history; Transcripts; Testing records; Counseling notes, etc.

Authority for maintenance of the system: OMB Circular No. A-48, September 23, 1971; CSC FPM Chapter 410; DOL Training Policy, DLS, FPM Chapter 410, ACT Program Manual, July 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual files. Selected information will also be stored in the computer when the evaluation system is fully implemented.

Retrievability: By name and Social Security number.

Safeguards: Counselors keep locked files and have sole access to those files. Counselor ethics prevent disclosure of information from an individual's file without that individual's permission. Once the evaluation system has been implemented, only the evaluation activity forms and questionnaires will be sent to Washington. Any other information kept by a counselor will be considered to be descretionary files.

Retention and disposal: Idefinite.

System manager(s) and address: Director, Office of Education and Career Development, Rm. C5325, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210..

Notification procedure: Mail all inquiries to System Manager at above address.

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Interviews, questionnaires.

DOL/OASA-11

System name: DOL Training Records.

System location: Training records on each DOL employee may be kept in the appropriate Agency or Regional Training Office. Files including individual development plans and material on the Executive Candidacy program are maintained in the Office of Education and Career Development, Room C5327, New Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: All DOL employees.

Categories of records in the system: The records include individual development plans, records of training received by individual employees, requests and applications for training, follow-up evaluations on training received, and records of payment for training from non-DOL sources.

Authority for maintenance of the system: 5 USC 301; FPM Chapter 410; U.S. Department of Labor Training Policy (DOL Supplement to FPM Chapter 410).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To document payments for training from non-DOL sources, and to prepare statistical reports required by the Civil Service Commission, Office of Management and Budget, and DOL management.

Storage: Manual files and computer system.

Retrievability: By employee name and/or Social Security Number.

Safeguards: All personal information (counseling records, individual development plans) is available only with employee consent. Some record systems are maintained in locked files or in rooms which are locked when no one is present.

Retention and disposal: Indefinite.

System manager(s) and address: Office of Education and Career Development, Director, Office of Education and Career Development, Room C5327, New Department of Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20210. For records maintained by Agency or Regional Training Offices, contact the appropriate Agency or Regional Training Officer.

Notification procedure: Mail inquiries to appropriate System Manager as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Interviews with employees and supervisors; training requests and applications; follow-up evaluations of training received.

DOL/OASA-12

System name: DPM Grievance, Adverse Action, and Unfair Labor Practice Files.

System location: Directorate of Personnel Management, Office of Employee Relations, Room N5464, New Department of Labor Building, Washington, D.C. 20210.

Categories of individuals covered by the system: Individual DOL employees who have filed grievances under negotiated or administrative procedures, individual DOL employees who have appealed adverse actions to the CSC, and DOL employees who have filed Unfair Labor Practice charges against the Department.

Categories of records in the system: Correspondence, merit staffing records, performance reports, and reports of arbitrators and grievance officers.

Authority for maintenance of the system: E.O. 11491 as amended, and FPM chapter 771.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Selected information may be disclosed at appropriate stages of the grievance process to Departmental Agencies, the Office of the Solicitor, the Civil Service Commission, arbitrators, grievance officers, or the Federal Labor Relations Council.

Storage: Manual file.

Retrievability: By name and/or grievance case number.

Retrievability: By name and/or grievance case number.

Safeguards: The system is housed in the Office of Employee Relations and only authorized persons are allowed access to the data.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Assistant Director of Personnel Management for Employee Relations, U.S. Department of Labor, New Department of Labor Building, Room N5464, Washington, D.C. 20216.

Notification procedure: Mail all inquiries to the System Manager at the above address.

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Correspondence, Investigative records, Employment records, and findings of arbitrators and grievance officers.

DOL/OASA-13

System name: Performance Requirements and Evaluation Files.

System location: In each Agency servicing Personnel Office in Washington, D.C. and in each DOL Regional Personnel Office in the field service.

Categories of individuals covered by the system: DOL employees in the competitive service.

Categories of records in the system: Performance Requirements and Evaluation forms.

Authority for maintenance of the system: FPM Chapter 335 and Secretary's Notice 39-64.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sanitized forms are made available for review to joint union-management review team under terms of contracts with DOL bargaining unit.

Storage: Manual files.

Retrievability: By employee's name.

Safeguards: The systems are housed in servicing personnel offices and only persons with recognized official need for them have access to forms.

Retention and disposal: Records are retained for two (2) years or for a longer period if periodic DOL Joint Union-Management Review has not been completed. Are disposed of in accordance with DOL Disposal System.

System manager(s) and address: Personnel Officer, NDOL, RmC5520, 200 Constitution Avenue, N.W., Washington, D.C.; and Regional Offices.

Notification procedure: Mail inquiries to appropriate servicing Personnel Office.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supervisor's personal records and notes, discussions with employee rated.

DOL/OSHA-4

System name: Advisory Committee Biographies, OSHA

System location: Committee Management Office, Room N3635, 200 Constitution Avenue, N.W., Washington, D.C.

Categories of individuals covered by the system: Members of Advisory Committee.

Categories of records in the system: Background Resume.

Authority for maintenance of the system: Occupational Safety and Health Act (P.L.91-596); Federal Advisory Committee Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual File.

Retrievability: By Name.

Safeguards: Removed from general public access.

Retention and disposal: Being determined.

System manager(s) and address: Chief, Advisory Committee Staff, Room N3635, 200 Constitution Ave., N.W., Washington, D.C.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above

Record source categories: Committee Members.

DOL/OSHA-5

System name: Advisory Committee Candidates OSHA.

System location: Committee Manangement Office, Room N3635, 200 Constitution Avenue, N.W., Washington, D.C.

Categories of individuals covered by the system: Private individuals who have been proposed for Membership on the various Advisory Committees.

Categories of records in the system: Background resume.

Authority for maintenance of the system: Occupational Safety and Health Act (P.L. 91-596): Federal Advisory Committee Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual file.

Retrievability: By name.

Safeguards: Removed from the general public.

Retention and disposal: Indefinite.

System manager(s) and address: Chief, Advisory Committee Staff, Room N3635, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: As above

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: From the individual.

DOL/OSHA-6

System name: OSHA Compliance Safety & Health Officer Manpower File.

System location: U.S. Department of Labor, OSHA, Office of Management Data Systems, Washington, D.C. 20210.

Categories of individuals covered by the system: All compliance officers employed by the U.S. Occupational Safety and Health Administration who are assigned to OSHA field offices and are primarily engaged in conducting worksite inspections.

Categories of records in the system: Distribution of time spent by each compliance officer. Time is recorded by hours and covers inspection, non-inspection, and administrative time.

Authority for maintenance of the system: Occupational Safety and Health Act (P.L.91-596).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Original form in field office, copy in national office, record maintained on magnetic tape.

Retrievability: By compliance officer name or by inspection identification when detailed inspection data is required.

Safeguards: Computer file available only through password system accessed through a computer software package named LIBRARIAN. National office source document copies are maintained in tub files in Room N3511 for a period of two (2) years.

Retention and disposal: Magnetic tape purged annually, national office, copy purged annually, area office copy disposition being determined.

System manager(s) and address: Director, Office of Management Data Systems, U.S. Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Weekly, one form consisting of amount of time, expressed in hours, on the following categories: For Inspections: Preparation Time, Travel Time, Employer Conference Time, Inspection Time, Report Preparation Time, Calibration Time, Amending Report Time, Other Conference Time, Hearing & Appeal Time; For Non-Inspection Time: National Training Time, Field Training Time, Instructing Time, Speech Time, Public Info Time, National Office Support Time, Discrimination Investigation Time, Other Complaint Investigation Time, State Coordination Time, Travel Time, Administrative Time, Supervisory Time, Leave Time, Compensatory Time Taken.

DOL/OSHA-7

System name: Reports by Employees of Unsafe or Unhealthful Working Conditions

System location: U.S. Department of Labor, Occupational Safety and Health Administration, Office of Federal Agency Safety Programs, Room N3673, NDOL, Washington, D.C. 20210

Categories of individuals covered by the system: Individuals or representatives of individual filing complaints with OFASP because employer's final disposition of their report alleging an unsafe or unhealthful working condition did not satisfy individual or representative of

Categories of records in the system: Employee's name, employer's name, description of hazard employees are exposed to in their workplace.

Authority for maintenance of the system: 29 CFR 1960.31(g); and 1960.25(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Manual Files.

Retrievability: By OFASP log number, and by name (if authorized by employee).

Safeguards: Access by authorized personnel only. Information to be transmitted to employing agency safety and health official only.

Retention and disposal: Being determined at this time.

System manager(s) and address: Director, Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3673, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Individual submit complaints to OFASP for follow-up action. Employees are notified in writing that OFASP (a) has received complaint (b) has information concerning resolution of complaint.

[FR Doc.76-4474 Filed 2-13-76;8:45 am]

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