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federal register

MONDAY, FEBRUARY 23, 1976

highlights

PART I:

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reminders

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

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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5608..... Pub. Law 94–215
Wetlands Loan Extension Act of 1976
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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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	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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CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—WATER RESOURCES

PART 622—WATERSHED PROJECTS

Local Agency and Public Reviews

On December 3, 1975, the Soil Conservation Service published in the FEDERAL REGISTER (40 FR 56457) for comment a proposed revision to 7 CFR 622.34 of the Soil Conservation Service Regulations by combining the local agency review and the local public review of watershed plans and environmental impact statements.

Interested persons were given 30 days to submit written data, views, or arguments regarding the proposed revision. All comments received with respect to the proposed rules were given careful consideration.

A summary of the comments received and responses thereto follows:

1. *Comment.* Where the language refers to the review process in terms of the "watershed plan, and, if required, environmental impact statement," it would be better to say "watershed plan, and environmental impact statement or negative declaration and environmental assessment." Thus, where no EIS was prepared, the available documents evaluating environmental impact would be available for public review and for transmittal to OMB and ultimately Congress.

Response. No changes have been made in the regulations to reflect this comment because a negative declaration is not sent out for review. It is filed with CEQ and distributed to the public prior to the interagency review. No administrative action or implementation of an action involving a negative declaration is taken for 15 days after appropriate notice in the FEDERAL REGISTER. See 7 CFR 650.8 (b)(3). As a point of clarification, all watershed projects which are transmitted to Congress after the effective date of 7 CFR 650 (June 3, 1974) will include an environmental impact statement. See 7 CFR 650.8(a)(1). Also, for those projects for which an environmental impact statement is not written, the impact information which would otherwise be found in the impact statement will be included in the watershed plan.

2. *Comment.* Public comments and interagency comments upon the joint watershed plan and environmental assessment should not only accompany the plan to OMB and Congress, but such comment should also be treated as comments on the EIS, and should be included and responded to in the final EIS, where one is prepared, (even if the commentator does not differentiate between the EIS and work plan in submitting comments).

Response. Paragraph (c) has been revised to accommodate this comment and now indicates that comments on either the plan or EIS will be considered.

3. *Comment.* It ought to be made clear that the relative responsibilities as between the local sponsors and the SCS differ, as between the watershed plan and the NEPA review. The work plan may be thought of as primarily the responsibility of the local sponsors, with technical assistance from SCS. But the NEPA review is the responsibility of SCS, not the local sponsors, and cannot be shifted.

Response. 7 CFR 622.34 pertains only to the review process. Responsibility for plan preparation and compliance with NEPA are specified in 7 CFR 622.33 and 7 CFR 650.3, respectively. Repetition in § 622.34 is unnecessary.

Additional changes. In addition to changes made in response to comments received, minor changes have been made to improve clarity. SCS herewith publishes this revision to its rules and regulations for administering its water resources program. This revision is effective on the date of publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1976.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

Subpart D—Planning and Approval

7 CFR 622.34 is hereby revised to read as follows:

§ 622.34 Review.

(a) *Technical review.* The draft watershed plan and, if required, the draft EIS shall be reviewed by SCS for technical adequacy and conformity with legal and policy requirements.

(b) *Local review.* Following the technical review, the watershed plan and, if required, the environmental impact statement will be provided to the sponsors, local agencies, groups, individuals, and local offices of federal agencies for review. The local review will also include a public meeting called by the sponsors, jointly by the sponsors and SCS, or by an established state procedure. Agencies, groups, and individuals who have evidenced an interest in the watershed will be invited to participate. The public will be notified as provided in § 650.7(d) of this chapter. All comments received as a result of this local review will be considered by the state conservationist and sponsors and appropriate changes made before proceeding with the interagency review.

(c) *Interagency review.* The draft watershed plan and, if required, the draft EIS will be submitted by SCS to the governor, the appropriate clearinghouses, and other concerned federal agencies for review and comment. The draft plan and, if required, draft EIS will also be sent to interested individuals, groups, or organizations requesting copies. If received by the end of the review period, all letters of substantive comments on the plan or EIS will be appended to the final EIS and an appropriate response made. These comments on the plan or EIS shall accompany any plan submitted to the Congress for approval.

(d) *Office of Management and Budget.* Following the interagency review, the final watershed plan and, if required, the final EIS shall be prepared after giving consideration to all substantive comments received. The watershed plan agreement shall be signed by the sponsors and the SCS. For watershed plans requiring congressional approval, the plan and EIS shall be sent by the Secretary to the Office of Management and Budget for transmittal to the appropriate congressional committees.

[FR Doc.76-5015 Filed 2-20-76;8:45 am]

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

[Navel Orange Reg. 367, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 13–19, 1976. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided,

will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 367 (41 FR 6262). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.667 (Navel Orange Regulation 367 (41 FR 6262) are hereby amended to read as follows:

§ 907.667 Navel Orange Regulation 367.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 1,066,000 cartons;

(ii) District 2: 234,000 cartons.

* * * * *

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

Dated: February 18, 1976.

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

[FR Doc.76–5033 Filed 2–20–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–CE–8–AD; Amdt. 39–2518]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 90, 100 and 200 Series Airplanes

There has been an incident in which a seat in the cabin of a Beech Model E90 airplane was dislodged. Subsequent investigation by the manufacturer confirms that the seat locking pin on certain Beech 90, 100 and 200 series airplanes can become disengaged. Should this happen the required occupant restraint may not exist during an accident. To correct this problem the manufacturer has developed and made available improved seat locking pins for installation in in-service airplanes. 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 90, 100 and 200 series airplanes, which will require replacement of the original seat locking pins with those of the improved design.

Inasmuch as 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 C90 (Serial Numbers LJ–654 and LJ–674 thru LJ–676), E90 (Serial Numbers LW–134 and LW–157 thru LW–163), A100 (Serial Numbers B–178 thru B–221, B–224 and B–225), 200 (Serial Numbers BB–6 thru BB–87, BB–89 thru BB–99 and BB–101 thru BB–106) and A200 (Serial Numbers BC–1 thru BC–8, and BD–1 thru BD–8) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude inadvertent disengagement of the seat locking pins, within the next 50 hours' time in service after the effective date of this AD, replace Beech P/N 50–534436–127 seat locking pins (3.38 inch length) with Beech P/N 101–530412–1 seat locking pins (3.69 inch length) in accordance with Beechcraft Service Instructions No. 0789–314 or C–12A–0001 (military airplanes), or later approved revisions, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 26, 1976.

(Secs. 313(a), 601 and 603 of the 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 10, 1976.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc. 76–4942 Filed 2–20–76; 8:45 am]

[Docket No. 76–CE–7–AD; Amdt. 39–2517]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 210 Series Airplanes

Amendment 39–1345, AD 71–24–7, published in the FEDERAL REGISTER on November 25, 1971, is an Airworthiness Directive (AD) applicable to Cessna Model 210D (Serial Numbers 21058221 thru 21058460) airplanes. To decrease the possibility of main gear extension failure, AD 71–24–7 required the installation of Cessna Kits 1209005–1 R/L in the Electrol P/N 1280501–1/2 actuator assemblies (main gear rotary) in the aforementioned airplanes.

Subsequent to the issuance of AD 71–24–7 service experience has shown that failures have occurred in this actuator assembly installed in other Cessna 210 series airplanes. The manufacturer has issued Cessna Service Letter SE75–21 recommending that all Electrol P/N 1280501–1/2 actuator assemblies installed in Cessna 210 series airplane be modified by the installation of Cessna Kits 1209005–1 R/L. Since the failure of these actuators can cause gear-up landings with resultant damage to the airframe structure and exposure of the occupants to unnecessary risks, an AD is being issued superseding AD 71–24–7. The new AD will be applicable to all Cessna 210 series airplanes having the Electrol P/N 1280501–1/2 actuator assemblies and will require installation of Cessna Kits 1209005–1 R/L.

Since this amendment is in the interest of safety, has been the subject matter of previous AD action in which the public was given the opportunity to comment, notice and public procedure hereon are unnecessary 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 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Models 210 thru 210D (Serial Numbers 5700- thru 57575 and 21057576 thru 21058510) airplanes having Electrol P/N 1280501–1/2 actuator assemblies (main gear rotary) installed. (The AD does not apply to those airplanes equipped with Ozone P/N 1280511–3/4 or Cessna P/N 1298100–1/2 actuator assemblies.)

Compliance: Required as indicated, unless already accomplished.

To decrease the possibility of main gear extension failure, accomplish the following:

Within the next 100 hours' time in service after the effective date of this AD, install Cessna Kits 1209005–1 R/L in accordance with Cessna Service Letter SE75–21 dated October 3, 1975, or later approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE.—The Electrol P/N 1280501–1/2 actuator assemblies (main gear rotary) can be identified by using an inspection mirror through the inspection plate located forward of the strut doors to read the actuator nameplate.

This AD supersedes AD 71–24–7, Amendment 39–1345.

This amendment becomes effective February 26, 1976.

(Secs. 313(a), 601 and 603 of the 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 10, 1976.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.76–4941 Filed 2–20–76;8:45 am]

[Docket No. 76–GL–2; Amdt. 39–2520]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American AA–5B

Amendment 39–2397, 40 FR 49093, AD 75–22–06 applies to Grumman American Model AA–5B airplanes and requires compliance with Grumman American Aviation Corporation Service Bulletin No. 150 dated September 22, 1975. After

issuing Amendment 39-2397, due to service experience, the agency determined that the mixture control installation covered by Service Bulletin No. 150 is not satisfactory. Therefore, the AD is being superseded by a new AD that requires replacement of the mixture control and modification of the mixture control installation.

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 delgated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Grumman American. Applies to Grumman American Model AA-5B airplanes, serial numbers AA5B-0001 through AA5B-0215, certificated in all categories.

Compliance required within the next 20 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished.

To prevent failure of the carburetor mixture control wire, replace the carburetor mixture control and modify the carburetor mixture control installation in accordance with Grumman American Aviation Corporation Service Bulletin No. 150A dated January 12, 1976 or later FAA approved revision thereto.

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

Special flight permits may be issued under the provisions of Federal Aviation Regulation 21.197(a)(1).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grumman American Aviation Corporation, 318 Bishop Road, Cleveland, Ohio 44143. These documents may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this Airworthiness Directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This supersedes Amendment 39-2397, 40 F.R. 49093, AD 75-22-06.

This amendment becomes effective: February 25, 1976.

(Secs. 313(a), 601 and 603 of the 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)).)

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

Issued in Des Plaines, Illinois on February 11, 1976.

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

[FR Doc.76-4946 Filed 2-20-76;8:45 am]

[Docket No. 76-GL-3; Amdt. 39-2521]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model AA-5 Series

Amendment 39-2485, 41 FR 1581, Airworthiness Directive 76-01-02 requires periodic visual checks and replacement of the upper engine cowl hinge assembly on Grumman Model AA-5B airplanes. After issuing Amendment 39-2485, due to service experience, the agency determined that the applicability should be expanded to include the Grumman American Models AA-5 and AA-5A. Therefore, the AD is being amended to include the Models AA-5 and AA-5A.

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 F.R. 13697) and (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2435, 41 FR 1581, AD 76-01-02, is amended as follows:

1. By amending applicability statement to read as follows:

Grumman American. Applies to Grumman American Model AA-5, AA-5A and AA-5B airplanes, serial numbers AA5-0641 through AA5-0834, AA5A-0001 through AA5A-0050, AA5A-0054 through AA5A-0056, AA5B-0001 through AA5B-0169, AA5B-0171, and AA5B-0180 through AA5B-0183, certificated in all categories.

2. By amending subparagraph (a)(1) to read as follows:

Within the next 15 hours' time in service after January 12, 1976 for Model AA-5B airplanes, and within the next 15 hours' time in service after the effective date of this amendment for Model AA-5 and AA-5A airplanes, or within 50 hours' total time in service, whichever occurs last.

3. By amending subparagraph (b)(2) to read as follows:

No later than 100 hours' time in service after:

(i) January 12, 1976 for Model AA-5B airplanes and

(ii) the effective date of this amendment for Model AA-5 and AA-5A airplanes.

This amendment becomes effective February 25, 1976.

(Secs. 313(a), 601, and 603 of the 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 Des Plaines, Illinois on February 11, 1976.

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

[FR Doc.76-4947 Filed 2-20-76;8:45 am]

[Airworthiness Docket No. 76-WE-1-AD; Amdt. 39-2522]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplane

There has been a failure of a DC-8-51 airplane wing front spar lower cap at Sta. X_{FS}-542 (at the No. 1 pylon attach point) due to a fatigue crack which initiated at a fastener hole on the forward flange of the cap. The airplane had approximately 40,000 hours total time when the failure was discovered. Failure of the spar cap eventually led to lower wing skin cracking with a resultant fuel leak. Analysis indicates the spar cap crack initiated at one of 17 fastener holes for the shear clip that attaches the pylon cant bulkhead fitting to the spar cap. This airplane had been reworked in accordance with McDonnell Douglas S.B. 54-32, which replaced the above shear clips and also replaced existing interference-fit fasteners with standard bolts. This change to standard bolts may have contributed to the initiation of the fatigue crack. Knowledge that a fatigue problem exists or may develop presents the necessity of establishing regular inspections of the wing spar to assure detection of a failure before the crack can grow to such an extent as to endanger the airworthiness of the airplane. Since this conditions is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require initial and repetitive inspections of the wing front spar lower cap on McDonnell Douglas Model DC-8 Series airplanes.

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

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

McDonnell Douglas. Applies to all Model DC-8 Series airplanes except -62, -62F, -63, and -63F, certificated in all categories.

Compliance required as indicated.

To prevent possible fatigue failure of the wing front spar lower cap, P/N 5597838-1 or -2, accomplish the following:

(a) For those airplanes which have had the original 17 interference fit fasteners replaced that attach the #1 and #4 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 800 hours time in service after the effective date of this AD or before the accumulation of 30,000 hours total time in service, whichever occurs later, unless accomplished within the last 2400 hours time in service, and thereafter at intervals not to exceed 3200 hours time in service.

(b) For those airplanes which have not had the original 17 interference fit fasteners replaced that attach the #1 and #4 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 2400 hours time in service after the effective date of this AD or before the accumulation of 30,000 hours total time in service, whichever occurs later, unless accomplished within the last 800 hours time in service, and thereafter at intervals not to exceed 3200 hours time in service.

(c) Inspect the wing front spare lower cap, P/N 5597838-1 or -2, for cracks in accordance with the instructions in McDonnell Douglas DC-8 Alert Service Bulletin A57-82, Revision 1 dated February 6, 1976, or later FAA-approved revisions, or in accordance

with an inspection method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) If cracks are found, repair before further flight in accordance with DC-8 Service Rework Drawing 5802712 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for the operator.

This amendment becomes effective February 25, 1976.

(Secs. 313(a), 601, and 603 of the 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 February 11, 1976.

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

[FR Doc.76-4944 Filed 2-20-76;8:45 am]

[Docket No. 15385; Amdt. 39-2526]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO 209 "Monsun" Airplanes

There have been reports of cracks in the engine mount, P/N 209-61016, at the lower end of the left-hand bent tube above the weld joint to the engine support of Messerschmitt-Bolkow-Blohm Model BO 209 "Monsun" airplanes that could result in failure of the engine mount and separation of the engine. 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 repetitive inspection of the engine mount, and replacement of the engine mount with a reinforced engine mount of new design, as necessary, on Model BO 209 airplanes.

Since a situation exists that requires the 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.

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

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

MESSERSCHMITT-BOLKOW-BLOHM. Applies to all Model BO 209 "Monsun" airplanes, certificated in all categories, except those having engine mount, P/N 209-61016-b, installed.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the engine mount, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD and, thereafter, at intervals not to exceed 100 hours' time in service from the last inspection, until modified in accordance with paragraph (b) of this AD, visually inspect the connection point of all three bent tubes of the engine mount, P/N 209-61016, for cracks in accordance with Messerschmitt-Bolkow-Blohm Service Bulletin No. 209-15/71-20, dated July 1975, or an FAA-approved equivalent.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, except that the airplane may be flown in accordance with FAR § 21.197 and 21.199 to a base where the work can be performed, replace the engine mount with an engine mount of new design, P/N 209-61016-b, in accordance with Messerschmitt-Bolkow-Blohm Service Bulletin No. 209-15/71-20, dated July 1975, or an FAA-approved equivalent.

This amendment becomes effective March 4, 1976.

Issued in Washington, D.C. on February 12, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 76-4948 Filed 2-20-76;8:45 am]

[Docket No. 76-CE-9-AD; Amdt. 39-2519]

PART 39—AIRWORTHINESS DIRECTIVES

Various Cessna Model Airplanes

There has been an incident involving a Cessna Model 421B airplane in which an Aircraft Radio Corporation (ARC) Model PA-500A actuator jammed and restricted elevator control. This condition occurred when a gear in the actuator gear box loosened on its shaft and interfered with the actuator gear train. This malfunction, if not corrected, could result in loss of aircraft control. The manufacturer has issued Service Letter No. AV75-10 which recommends inspections and modifications of the ARC Model PA-500A actuator used in Cessna 300, 400 and 400A autopilots, or in 300, 400 or 800 Integrated Flight Control System (IFCS), or in Type G-830A yaw damper systems which may be installed in various Cessna Model airplanes. Since the malfunction described herein may develop in other ARC Model PA-500A actuators installed in these aircraft an Airworthiness Directive (AD) is being issued making compliance with the Cessna Service Letter mandatory. This service letter incorporates ARC Field Engineering Service Bulletin No. 181.

Since an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rule making procedures, it appears that notice thereon is impracticable and contrary to the public interest and that good cause exists for making this AD 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 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to the airplane models and serial numbers listed below which have ARC PA-500A actuators (Serial Numbers 6265 and below) installed as part of Cessna Model 300, 400 and 400A autopilots, 300, 400 or 800 IFCS, or in Type G-830A yaw damper systems.

Models:	*Serial numbers*
172L, M	17259287 thru 17263458
F172K, L, M	F1720780 thru F1721234
FR172H, J	FR1720240 thru FR1720530
177B	17701576 thru 17702123
177RG	177RG0001 thru 177RG0592
F177RG	177RG0001 thru F177RG0122
180H, J	18052170 thru 18052500
182N, P	18260460 thru 18263475
A185E, F	18501815 thru 18502565
P206E; TP206E	P20600626 thru P20600647
U206E, F; TU206E, F	U20601447 thru U20603093
207, T207	20700149 thru 20700314
210K, L & T210K, L	21059200 thru 21061040
310Q, T310Q	310Q0001 thru 310Q1160
310R, T310R	310R0001 thru 310R0330
337E, F, G; T337E, F	33701290 thru 33701673
F337E, F, G	F3370020 thru F3370071
T337G	P3370001 thru P3370225
F337GP	FP3370001 thru FP3370015
340	3400001 thru 3400555
401B	401B0001 thru 401B0221
402B	402B0001 thru 402B0935
414	4140001 thru 4140655
421B	421B0001 thru 421B0970

Compliance: Required as indicated, unless already accomplished.

To preclude restrictions of control movement due to jamming of the ARC PA-500A actuator gear train, accomplish the following:

(A) Until Paragraph B is accomplished, within 100 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service, inspect the ARC PA-500A actuator(s) in accordance with Cessna Service letter AV75-10, dated December 19, 1975, or later approved revisions, which service letter incorporates ARC Field Engineering Service Bulletin No. 181. Correct any unsafe condition noted by adjustment or replacement of parts as necessary.

(B) Within twelve months of the effective date of this AD, modify the ARC Model PA-500A actuator(s) in accordance with Cessna Service Letter No. AV75-10 dated December 19, 1975, or later approved revisions, which service letter incorporates ARC Field Engineering Service Bulletin No. 181.

(C) Any alternate method of compliance with this AD must be approved by the Chief,

Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 26, 1976.

(Secs. 313(a), 601 and 603 of the 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 10, 1976.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.76-4943 Filed 2-20-76;8:45 am]

[Airspace Docket No. 75-GL-69]

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

Designation of Transition Area

On page 59222 of the FEDERAL REGISTER dated December 22, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kewanee, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, May 20, 1976.

This amendment is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on January 29, 1976.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

KEWANEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Kewanee Airport (latitude 41°13'06" N., longitude 89°57'42" W.); and within three miles each side of the 218° bearing from the airport, extending from the five-mile radius area to eight miles southwest.

[FR Doc.76-4945 Filed 2-20-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2786]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Soft Sheen Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general; 13.533-53 Recall of merchandise, advertising material, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; §13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; 13.2100-5 Labeling. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Soft Sheen Company, Inc., a corporation; Edward G. Gardner and Betty Gardner, individually and as officers of said corporation; and Franklin Lett Associates, a corporation.

Consent order requiring a Chicago, Ill., manufacturer of cosmetics, among other things to cease misrepresenting that its hair conditioners are safe and from making other false claims; and further requiring the firm to include a health hazard warning in advertising and labeling for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondents Soft Sheen Company, Inc., and Franklin Lett Associates, corporations, and their successors and assigns, and their officers, and Edward G. Gardner and Betty Gardner, individually and as officers of Soft Sheeen Company, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of Mr. Cool and Miss Cool hair relaxers or any cosmetic in or affecting commerce, as "cosmetic" and "commerce" are defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually, or in any other manner, directly or by implication that:

1. Any hair straightening product is safe, comfortable, or does not burn the hair or skin.

2. Any hair straightening product may be used on all grades or types of hair.

3. Any hair straightening product provides the user

a. time adequate to complete application, or

b. more time for application than is available with other hair straightening products,

unless at the time the representation is made, respondents have a reasonable basis, consisting of competent and reliable tests or other evidence, to support such representation.

B. Representing, in any manner, the safety or efficacy of any cosmetic, or the ingredients therein, unless at the time such representation is made respondents have in their possession a reasonable basis, consisting of competent and reliable tests or other evidence, to support such representation; or misrepresenting in any manner the nature of any such product or its ingredients or the effect of any such product or its ingredients on hair or skin or any other structure of the body.

C. Disseminating or causing to be disseminated any advertisement of Mr. Cool and Miss Cool hair relaxers or any similar product, which fails to disclose, clearly and conspicuously with nothing to the contrary or in mitigation thereof, the following statement exactly as it appears below:

"Warning: Follow directions carefully to avoid skin and scalp irritation, hair breakage and eye injury."

Provided, however, That Paragraph I of this order shall apply to respondent Franklin Lett Associates only with respect to Mr. Cool or Miss Cool hair relaxers, and any cosmetic manufactured by Soft Sheen Company, Inc., and any hair straightening product or process.

II. *It is further ordered,* That respondents Soft Sheen Company, Inc. and Franklin Lett Associates, corporations, and their successors and assigns and their officers, and Edward G. Gardner and Betty Gardner, individually and as officers of Soft Sheen Company, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Mr. Cool and Miss Cool hair relaxers or any cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains a representation prohibited by Paragraph One of this order or which omits a disclosure for such product required by Paragraph One of this order.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any

[1] Copies of the Complaint, Decision and Order, filed with the original document.

such product in or having an effect on commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains a representation prohibited by Paragraph One of this order or which omits a disclosure for such product required by Paragraph One of this order.

Provided, however, That Paragraph II of this order shall apply to respondent Franklin Lett Associates only with respect to Mr. Cool or Miss Cool hair relaxers, and any cosmetic manufactured by Soft Sheen Company, Inc., and any hair straightening product or process.

III. *It is further ordered,* That respondents Soft Sheen Company, Inc., a corporation, and its successors, assigns and officers, and Edward G. Gardner and Betty Gardner, individually and as officers of Soft Sheen Company, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale, or distribution of Mr. Cool and Miss Cool hair relaxers or any similar product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from failing to include clearly and conspicuously on an information panel of the retail product package, the package insert, and the label of the relaxer container of any such product, with nothing to the contrary or in mitigation thereof, the following disclosures exactly as they appear below:

"Warning: 1. This product contains potassium hydroxide (lye). You must follow directions carefully to avoid skin and scalp burns, hair loss, and eye injury.

2. Do not use if scalp is irritated or injured.

3. Do not use on bleached, dyed or tinted hair. If you have previously relaxed your hair, relax only the new growth, as described in the directions.

4. If the relaxer causes skin or scalp irritation, rines out immediately and neutralize with the shampoo in the kit. If irritation persists or if hair loss occurs, consult a physician.

5. If the relaxer gets into eyes, rinse immediately and consult a physician."

Respondents shall comply with this provision by August 15, 1975 or by the effective date of this order, whichever shall occur first.

IV. *It is further ordered,* That the Soft Sheen respondents shall recall and retrieve, from each beauty salon which sells or uses Mr. Cool and Miss Cool hair relaxers, each display advertisement for Mr. Cool and Miss Cool hair relaxers which contains any word or representation prohibited by Paragraph I of this order or which omits a disclosure for such products required by Paragraph I of this order.

V. *It is further ordered,* That respondents shall distribute a copy of this order to their present and future officers, directors, and operating divisions and that respondents secure from each such person a signed statement acknowledging receipt of this order.

VI. *It is further ordered,* That respondents maintain at all times in the future complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after it is made.

VII. *It is furtherer ordered,* That the corporate respondents notify the Commission at least thirty days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporation the creation or dissolution of subsidiaries, a change in corporate name or address, or any other change in the corporations which may affect compliance obligations arising out of this order.

VIII. *It is further ordered,* That each individual respondent promptly notify the Commission of the discontinuance of his or her present business or employment and/or his or her affiliation with a new business or employment. Such notice shall include the respondent's current address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties or responsibilities.

IX. *It is further ordered,* That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 27, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4970 Filed 2-20-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12102]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Filing of Applications for Registration and Exemption From Registration as a Clearing Agency; Delegation of Authority

Introduction. The Securities and Exchange Commission hereby announces the amendment of § 200.30-3 (17 CFR 200.30-3) of the Commission's Statement of Organization; Conduct and Ethics; and Information and Requests to delegate to the Director of the Division of Market Regulation the authority to publish notice of the filing of applications for registration and exemption from registration as a clearing agency.

Section 19(a) of the Securities Exchange Act of 1934 (the "Act")[1] requires the Commission to publish notice of the filing of an application, pursuant to section 17A(b)(2) thereof,[2] for registration as a clearing agency. The Act requires notice of such application and requires the Commission to afford interested persons an opportunity to submit written data, views, and arguments concerning such application. With respect to the filing of applications for exemption from registration pursuant to Rule 17Ab2-1 (17 CFR 240.17Ab2-1), the Commission as a matter of policy will publish notice of such filings and interested persons will be afforded an opportunity to submit written data, views and arguments concerning such applications for exemption. Therefore, pursuant to sections 17A(b)(1),[3] 17A(b)(2) and 19(a) of the Act, the rules of the Commission relating to general organization are being amended to delegate authority to the Director of the Division of Market Regulation to publish notice of the filing of applications for registration and exemption from registration as a clearing agency.

DELEGATION OF AUTHORITY

Section 200.30-3 is amended by adding paragraph (17) to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * * *

(a) * * *

(17) Pursuant to sections 17A(b)(1), 17A(b)(2) and 19(a) of the Act (15 U.S.C. 78q-1(b)(1), 78q-1(b)(2) and 78s(a)), to publish notice of the filing of applications for registration and for exemption from registration as a clearing agency.

* * * * *

The Commission finds, in accordance with sections 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure or practice and should be effective immediately in order to provide an orderly procedure for the prompt noticing of the filing of applications for registration and for exemption from registration as a clearing agency and that notice and public procedure are not necessary with respect to the foregoing action.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 12, 1976.

[FR Doc.76-4998 Filed 2-20-76;8:45 am]

[Release SAB-4]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

PUBLICATION OF STAFF ACCOUNTING BULLETIN No. 4

The Division of Corporation Finance and the Office of the Chief Accountant

[1] 15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975).

[2] 15 U.S.C. 78q-1(b)(2).

[3] 15 U.S.C. 78q-1(b)(1).

today announced the publication of Staff Accounting Bulletin No. 4. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

In December 1975, the American Institute of Certified Public Accountants Committee on SEC Regulations sent a letter to the Chief Accountant which identified certain areas of concern with respect to disclosure and reporting by Real Estate Investment Trusts. This letter summarizes topics which were discussed at a meeting which took place earlier in 1975 between a task force of this committee and the staff and states the position of the task force on certain issues. The Committee's letter and the response of the Chief Accountant are reproduced in this Staff Accounting Bulletin. At the time the two indices to the Staff Accounting Bulletins are next updated, these interpretations will be incorporated into Topic 7—"Real Estate Companies."

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 29, 1976.

TOPIC 7: REAL ESTATE COMPANIES

F. DISCLOSURE AND REPORTING BY REAL ESTATE INVESTMENT TRUSTS

General Facts. Over the past several months many significant questions have been raised with respect to appropriate disclosure and accounting practices for Real Estate Investment Trusts (REITs). On June 27, 1975, the Accounting Standards Division of the American Institute of Certified Public Accountants issued "Statement of Position on Accounting Practices of Real Estate Investment Trusts" (known as SOP 75–2). Since that time a special REITs Task Force of the AICPA Committee on SEC Regulations has met twice with the Chief Accountant and others on the staff to discuss the application of SOP 75–2 and other issues related to REITs disclosures and accounting. The results of these meetings are summarized in the December 12, 1975 letter from the AICPA Committee on SEC Regulations and the January 9, 1976 response from the Chief Accountant. These letters are reproduced in this Staff Accounting Bulletin.

DECEMBER 12, 1975.

Mr. JOHN C. BURTON,
Chief Accountant,
Securities and Exchange Commission,
500 North Capitol Street,
Washington, D.C. 20549.

DISCLOSURE AND REPORTING BY REAL ESTATE INVESTMENT TRUSTS

DEAR MR. BURTON:

At its meeting on August 26, 1975, the AICPA Committee on SEC Regulations discussed various problems that registrants and their independent accountants have had with regard to disclosures suggested by the SEC staff in connection with REIT filings. The Committee asked that I appoint a special Task Force of REIT practitioners (Messrs. James J. Klink, Henry J. Murphy and William T. Ward) to consider the various matters and discuss them with the SEC. I have attended two meetings of the Task Force with you and your associates and there have been other discussions from time to time.

The purpose of this letter is to identify the areas of concern to the Committee, summarize some of the more important parts of our discussions, and state why the Task Force believes certain of the disclosures requested by the SEC staff to be impracticable or unnecessary.

DISCLOSURE OF ADDITIONAL INFORMATION REGARDING THE ALLOWANCE FOR POSSIBLE LOSSES

Requests by the SEC staff for additional information regarding the allowance for possible losses have included:

a. The amount representing the cost of money element included in the allowance for possible losses.

b. Dollar amount of investments to which a discount factor was applied.

c. The time frame over which the investments in b. above have been "discounted" in arriving at the allowance for possible losses.

d. The time frame when existing investments will be repaid to the trust.

We understand that these specific types of disclosure were among those considered and rejected by the task force that developed the "Statement of Position on Accounting Practices of Real Estate Investment Trusts" (hereinafter referred to as "SOP 75–2") issued by the Accounting Standards Division of the American Institute of Certified Public Accountants on June 27, 1975. That task force concluded that any breakdown of the various components of the allowance would be in direct conflict with the overriding objective clearly enunciated in SOP 75–2 that the method of providing for losses should result in an allowance which is, in the aggregate, reasonable in the context of the financial statements taken as a whole. The Accounting Standards Executive Committee of the Accounting Standards Division concurred with this conclusion.

Furthermore, we understand that the SEC staff believes the components of the allowance for possible losses (i.e., cost of money, operating deficits, etc.) should also be disclosed. The Task Force believes such disclosure would not be meaningful for the reasons discussed previously. In addition, there are some who believe that such breakdown cannot be made in many cases because of the methods (which may include averaging, for example) used by registrants in determining their allowance for possible losses.

All of us agreed that adequate disclosure regarding the allowance for possible losses is of paramount importance to existing and potential investors, as well as creditors, of REITs.

During the past year or so there has been a significant change in the industry and, as a result, there has been a significant increase in the amount of disclosure provided by most registrants. The present practice of most trusts has been to include a summary of its investments in the annual report. Such summary is generally made by type and number of loans, by type and number of properties and by geographical location. The details of this summarized information are required under Rules 12–42 and 12–43 to be included in schedules in filings with the SEC. Further, as stated in SOP 75–2, the investments should be presented on the face of the balance sheet as follows:

Loans earning.
Loans non-earning.
Foreclosed properties held for resale.

Disclosure of maturity dates, as required in SEC filings in Schedule XVIII, is believed to be meaningful when the investments consist mostly of loans that are in the earning category. However, where a substantial portion of the investments are in foreclosure or are in the non-earning category, a position many trusts are in today, such original or extended maturity dates are no longer meaningful. Under these circumstances, the estimated recovery date is no longer contractually fixed but rather is based on estimates of future events. Further, it should be understood that, in many cases, construction and development loans do not have permanent take-outs and recovery may be dependent on the availability of external financing. In view of the many estimates as to future events, as indicated above, the Task Force believes disclosures of the details of these estimates by years could very well give the reader an erroneous impression of precision.

The Task Force appreciates the view that the recovery of non-earning loans and foreclosed properties held for resale will provide funds for use by the trust and that present and prospective investors may be interested in knowing when cash flow will be available for distribution to shareholders. However, cash flow in these cases is not likely to go to the shareholders but will undoubtedly go to the lenders in payment of interest and reduction of principal. Revolving credit agreements generally restrict both new investments and payment of dividends and the Task Force believes disclosure of these restrictions is of much greater significance.

SEPARATE DISCLOSURE OF THAT PORTION OF THE ALLOWANCE FOR POSSIBLE LOSSES APPLICABLE TO REAL ESTATE LOANS AND THAT PORTION APPLICABLE TO FORECLOSED PROPERTIES HELD FOR RESALE

As we discussed, SOP 75–2 provides for the presentation of earning loans, non-earning loans and foreclosed properties held for resale, the aggregate of which is associated with the total allowance for possible losses. That is, SOP 75–2 does not require that the several segments of the allowance be set forth separately in the balance sheet and associated with the particular investment categories to which the segments relate. Instead, the allowance for losses is to be presented as a deduction from the total of all assets to which it relates. Breaking down the allowance for possible losses into various segments would be contrary to the philosophy expressed in SOP 75–2. The Task Force pointed out that a registrant may elect to pursue different courses of action (i.e., foreclose or not foreclose) for each problem loan based on good business or legal reasons unrelated to the substance of the REIT's position, the different actions often depending to a large extent on differences in various state laws. Accordingly, the classification between non-earning loans and foreclosed properties held for resale is frequently dependent on factors not relevant to the determination of an appropriate overall allowance for possible losses. In this regard, SOP 75–2 focused on the total portfolio and requires a REIT to evaluate all of its investment portfolio in a consistent manner, regardless of the balance sheet classification as earning, non-earning or foreclosed property held for resale. The Task Force believes, therefore, that it is appropriate to show the allowance for possible losses in total. It believes that this represents adequate disclosure in keeping with the philosophy expressed in ASR 166.

STATING REAL ESTATE ACQUIRED BY OR IN LIEU OF FORECLOSURE AT ESTIMATED FAIR VALUE

Some SEC letters of comment have suggested that foreclosed properties be valued at "estimated fair value". The Task Force believes that foreclosed properties held for resale should be valued at "net realizable value" in keeping with the requirements of SOP 75–2.

DEPRECIATION ON FORECLOSED PROPERTIES BEING HELD FOR RESALE

Although SOP 75–2 does not deal specifically with the question of depreciation on foreclosed properties being held for resale, it does require that an individual evaluation of loans and foreclosed properties held for resale be made as of the close of all annual and interim reporting periods. It is our understanding that the SEC staff agrees that depreciation need not be charged when foreclosed properties are held for resale and are valued at "estimated net realizable value".

DISCLOSURE OF FEDERAL INCOME TAX STATUS OF DISTRIBUTIONS PER SHARE

Almost all registrants (whether reporting on a fiscal year or calendar year basis) mail annual reports and have filings with the Commission well before Federal income tax returns are filed. The tax status of distributions to shareholders is determined based on the Federal income tax return and not on the annual financial statements. Because of timing differences and other reasons, the registrant is not usually in a position to determine the tax character (i.e., ordinary income, capital gain and/or return of capital) of distributions to shareholders until a later date and, accordingly, the information is rarely available at the time the annual report on Form 10–K is required to be filed with the SEC.

In view of these circumstances, the Task Force believes REITs should not be requested to disclose the Federal income tax status of distributions per share.

DISCLOSURE OF INTEREST EARNED BUT NOT ACCRUED

This question involves the disclosure of interest earned (legally) on investments but has not been accrued by the registrant because of doubt as to its collectibility. Practice in this area has been somewhat divergent and many feel that disclosure of this "contingent asset" is misleading because it implies that the earned but not accrued interest will be collected. On the other hand, many registrants feel hat such interest should be disclosed because there is a legal right to collect the interest (except in certain cases). The Task Force believes this disclosure should be discouraged and if a registrant chooses to disclose such information, it should be disclosed in a footnote along with an adequate description of the uncertainties about ultimate collectibility.

DISCLOSURE OF INTEREST ACCRUED AND UNPAID ON NON-EARNING LOANS

Although the Task Force had no real objection to disclosure of the amount of interest accrued and unpaid on loans classified as non-earning, it was pointed out that this accurred interest is a very minor portion of the assets of REITs and would rarely, if ever, be material in a particular situation. Also, this accrued interest is reviewed in connection with the adequacy of the overall allowance for possible losses and is deducted from the amount of total investments, which amount includes the interest accrued and unpaid on non-earning loans.

In view of the fact that SOP 75–2 now sets forth more specific guidelines about when a REIT should discontinue the accrual of interest, the amounts are expected to be even less material in the future.

AUDITORS' USE OF "SUBJECT TO" OPINIONS REGARDING COLLECTIBILITY OF INVESTMENTS

In a few cases, questions have been raised regarding the appropriateness of independent auditors expressing "subject to" opinions with regard to collectibility of investments and it has been suggested that the financial statements should be revised to include the necessary allowance for possible losses in order for the independent auditor to remove the qualification from his opinion.

Apparently there have been some problems with the specific wording of some accountants' reports along these lines, but the Commission's staff does appreciate the peculiar problems of the REIT industry and recognizes that "subject to" opinions are appropriate in some cases based on the specific facts and circumstances involved. On the other hand, a "subject to" opinion is not a substitute for recording an appropriate allowance for possible losses.

SEPARATE LINE ITEM ON THE BALANCE SHEET FOR MORTGAGE LOANS RECEIVABLE MADE IN PARTICIPATION WITH SPONSORING ORGANIZATION

There was general agreement that any participation loans with the advisor should be disclosed in the footnotes and that separate line item presentation on the balance sheet was not necessary.

OTHER MATTERS

The SEC staff expressed its concern regarding transactions with, and support provided by, the advisor. There was also some discussion of "swap programs" (trading of existing trust assets in payment of outstanding bank debt) which may involve some or all of the trust lenders, including lenders affiliated with the trust's advisor. The disclosure and reporting questions raised by these types of situations involving transactions with non-shareholders are expected to be resolved, at least in part, by the Financial Accounting Standards Board in a statement relating to "Restructuring of Debt in a Troubled Loan Situation."

A question was raised about the relationship of Accounting Series Release No. 163 to the "discounting" concept in SOP 75–2. It is our understanding that the Commission does not consider the "discounting" requirements under SOP 75–2 to be of the same nature as the capitalization of interest problem dealt with in ASR 163 and, accordingly, the specific reporting and disclosure requirements of ASR 163 are not applicable.

In view of the publicity regarding SOP 75–2 and the resistance of some members of the REIT industry, we discussed the adoption of the requirements of SOP 75–2 in practice. The Task Force understands that the accounting firms auditing the vast majority of REITs are requiring compliance with SOP 75–2 by their clients because it is the most authoritative accounting literature available on the subject. That being the case, failure to comply with SOP 75–2, assuming materiality, would result in an exception with respect to generally accepted accounting principles in the reports of those accounting firms. We understand that the Commission has traditionally not viewed an accountants' report containing a qualification relating to the application of generally accepted accounting principles as acceptable in complying with its rules. We understand that you see no reason to make an exception in this case.

Yours very truly,

THOMAS L. HOLTON, *Chairman,*
AICPA Committee on SEC Regulations.

JANUARY 28, 1976.

Re: Disclosure and Reporting by Real Estate Investment Trusts.

Mr. THOMAS L. HOLTON,
Chairman, AICPA Committee on SEC Regulations, 1211 Avenue of the Americas New York, New York.

DEAR MR. HOLTON: This letter is in response to your letter dated December 12, 1975 in which the positions and observations of the specially appointed Task Force of REIT practitioners were set forth. That letter followed recent meetings and discussions between members of the special Task Force and members of the Commission's staff at which certain disclosure and reporting practices in the REIT industry were discussed. I am pleased to furnish the following comments.

DISCLOSURE OF ADDITIONAL INFORMATION REGARDING THE ALLOWANCE FOR POSSIBLE LOSSES

Because of the economic conditions which exist currently in the real estate industry, the process of determining the allowance for possible losses as contemplated by SOP 75–2 necessitates the use of numerous assumptions and the reliance on many estimates and indicators of value. As a consequence, the determination of the allowance for possible losses is necessarily a very imprecise determination.

As critical measurement processes become less precise and more subjective, traditional disclosure must be expanded and specificity must replace generality. It is only in this way that investors are able to adequately appraise economic changes as they occur, make meaningful comparisons and understand the character of the changes which take place within the reporting entity and the industry of which it is part.

As noted in your letter, it has been a practice of the staff to request disclosure of the cost-of-money element included in the allowance for possible losses. The cost-of-money element was singled out because it appeared to represent the principal part of the carrying costs included in the allowance for possible losses. It now appears that there are other important elements which enter into the computation of the allowance.

Therefore, the staff believes that registrants should describe and quantify each of the material elements included in the calculation of the allowance amount at the date of each balance sheet required. Generally, the elements considered in the calculation of the allowance amount include (a) the excess or deficiency of the estimated selling price over the sum of (i) the carrying value of the investment at the balance sheet date, (ii) the estimated cost to complete and (iii) selling commissions and other costs directly related to the sale of the investment; (b) cash deficiencies (excesses) from operations (including holding costs other than interest on non-operating properties) during the holding period; and (c) estimated interest (cost of money) which will be incurred during the expected holding period, imputed at the average cost of all capital (debt and equity) employed by the registrant. If, under very unusual factual circumstances, the registrant and their independent accountants conclude that such a breakdown is misleading or not practicable, the reasons for this conclusion and proposed alternative disclosures should be submitted to the staff.

Management should furnish in its discussion and analysis of the summary of operations a description of the reasons for changes in the allowance, including, when appropriate, a discussion of the changes in each major portfolio investment. In addition, a reconciliation of the allowance account balance at the beginning and end of each period for which income statements are provided should be included in the notes to the financial statements or elsewhere. This should include information as to the accounting treatment and amounts of all charges and credits relating to cost-of-money calculations.

The rate used to compute the cost-of-money element should be stated in a note to the financial statements. The notes to the financial statements should also indicate the expected holding period assumed in connec-

tion with the calculation of the required allowance for possible losses showing the amounts of investments expected to be sold or otherwise realized in each future twelve-month period.

SEPARATE DISCLOSURE OF THAT PORTION OF THE ALLOWANCE FOR POSSIBLE LOSSES APPLICABLE TO REAL ESTATE LOANS AND THAT PORTION APPLICABLE TO FORECLOSED PROPERTIES HELD FOR RESALE

It has been the practice of REITs to determine the level of the allowance for possible losses on an overall (total portfolio) basis without attribution to particular categories of mortgage loans or foreclosed properties. The individual evaluation method embraced by SOP 75-2 provides for a loan-by-loan, property-by-property approach to any provision for estimated loss included in the allowance account. Therefore, the portion of the allowance for possible losses which is attributed to each investment category (e.g., mortgage loans receivable and properties acquired, or in process of being acquired, by or in lieu of foreclosure) is readily available and should be disclosed in the balance sheet or in a note to the financial statements.

The staff recognizes that SOP 75-2 does not require attribution of the allowance for possible losses to the different segments of the investment portfolio. However, such information is complementary to and consonant with the requirements stated in footnotes 5 and 7 of Rules 12-42 and 12-43, respectively, of Regulation S-X, and although it expands the disclosures specified in SOP 75-2, the additional information is not in conflict therewith.

STATING REAL ESTATE ACQUIRED BY OR IN LIEU OF FORECLOSURE AT ESTIMATED FAIR VALUE

The term "estimated fair value" as used in staff comment letters was not intended to infer that foreclosed properties held for resale be stated on a current-liquidation-value basis. We concur with the views expressed in SOP 75-2 that the estimated net realizable value is a reasonable basis of valuation for such foreclosed properties at this time, and that the estimated net realizable value contemplates the estimated selling price a property will bring if exposed for sale in the open market, allowing a reasonable time to find a purchaser. We believe, however, that a disposition program would generally not exceed a five year period, and that the assumption as to disposition should be stated in the financial statements.

DEPRECIATION ON FORECLOSED PROPERTIES BEING HELD FOR RESALE

The SEC staff will not object if depreciation is not provided on foreclosed properties held for resale if such properties are valued at estimated net realizable value as contemplated by SOP 75-2 and the property is new or new in use to the registrant and has been held for a period not in excess of twenty-four months from the date construction was substantially complete.

DISCLOSURE OF FEDERAL INCOME TAX STATUS OF DISTRIBUTIONS PER SHARE

For federal income tax purposes, distributions made by RET's are not equivalent to dividends paid by corporations. Dividends by most corporations are reported by recipients as dividend income (subject to exclusions or dividends received deductions) or return of capital. Distributions made by REIT's are reportable as ordinary income, capital gain or return of capital. The income tax status of the distributions is relevant information and should be stated in a manner consistent with Instruction 4 to Item 6 of Form S-11. If the financial statements are published prior to the time that the income tax status of the distributions is determined, registrants should state such information as is currently available relative to the current year and state the income tax status for earlier reported years.

DISCLOSURE OF INTEREST EARNED BUT NOT ACCRUED

Since the determination of when the accrual of interest should be discontinued is subjective, and interest revenue recognition practices are not uniform among REITs, investors may be better able to distinguish between the attributes of one trust versus another if the amount of earned but unrecognized interest revenue is stated. Of course, interest earned but not accrued on an investment valued on the basis of the estimated net realizable value of the underlying real property is not relevant information in the absence of both a right and an expectation to proceed successfully against other assets of the builder/developer or a guarantor since such amounts could not be realized without such actions. Disclosures relating to such interest earned but not recognized which is in the nature of a contingent asset may be useful information and we would not discourage managements from stating such amounts, with appropriate caveats as to the nature of such, in the notes to financial statements.

DISCLOSURE OF INTERESTS ACCRUED AND UNPAID ON NON-EARNING LOANS

If amounts included in accrued interest receivable are subject to doubt as to realization, we believe the amounts should be reversed or written off. We would not, therefore, normally expect to see the allowance for possible losses associated with accrued interest receivable in the financial statements. If the note relating to accounting policies clearly states that the foregoing practice is followed, we believe that interest accrued on doubtful loans need not be stated separately. However, accrued interest receivable should be stated separately in the balance sheet, and we would raise questions and possibly request additional disclosures if the accrued interest amounts seem disproportionately large.

AUDITOR'S USE OF "SUBJECT TO" OPINIONS REGARDING COLLECTIBILITY OF INVESTMENTS

The current economic conditions in the real estate industry are such that an unusual number of qualified opinions have been included in filings under the Securities Exchange Act of 1934. The staff has historically been reluctant to accept opinions qualified as to uncertainty in connection with receivable portfolios. Under current conditions, however, the staff believes that qualified opinions may be appropriate where the disclosures in the financial statements of REITs reflect major and unusual economic uncertainties, and under such circumstances the staff will not raise questions as to such auditors' reports. In other cases, however, the staff may continue to raise questions in this regard and may request additional information on a supplemental basis.

OTHER MATTERS

Your understanding that the Commission does not consider the carrying cost approach (which includes an element for the cost-of-money) to estimated net realizable value determinations under SOP 75-2 to trigger the requirements of Accounting Series Release No. 163 is correct.

You are correct in your understanding that the Commission will not accept auditors' reports taking exception to accounting principles used which are other than those set forth in SOP 75-2 as satisfying our requirements for certified financial statements. This is consistent with our long standing policy not to accept opinions qualified as to the acceptability of the accounting principles used.

Sincerely,

JOHN C. BURTON,
Chief Accountant.

[FR Doc.76-4999 Filed 2-20-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

REPUBLICATION OF 1939 CODE EXCISE TAX REGULATIONS NOT ENTIRELY SUPERSEDED

Republication

The codification in Title 26 of the *Code of Federal Regulations* (Internal Revenue) of documents of general applicability and future effect as of April 1, 1976, will include, as an appendix to subchapter D, §§ 316.1 through 316.29 of Part 316 of Treasury Regulations 46 (26 CFR (1939) Part 316). Those regulations, which have not been entirely superseded, were prescribed under and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, 19 FR 5167, August 17, 1954.

The above described regulations were included as an appendix to subchapter D of 26 CFR in the January 1, 1961 revision of the volume 26 CFR Parts 40-169 and portions thereof were included in the annual codifications of that title through 1971. These regulations,[1] which have been inadvertently omitted from subsequent annual codifications, are being reinstated in accordance with T.D. 6091.

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

[FR Doc.76-5033 Filed 2-20-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amendment D-53]

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

PART 101-18—ACQUISITION OF REAL PROPERTY

Leased Space To Be Located in Central Business District

This amendment further implements E.O. 11512 by clarifying the basic policy that leased facilities will be located in the central business district and the fringe areas thereof, whenever the area affords adequate competition and conforms to the missions and programs of the agencies to be housed.

[1] A copy of Appendix D has been filed with the Office of the Federal Register as a part of this document.

1. The table of contents for Part 101–17 is amended to add new § 101–17.101–1c as follows:

§ 101–17.101–1c Special location requirements.

Subpart 101–17.1—Assignment of Space

2. Section 101–17.101–1c is added to read as follows:

§ 101–17.101–1c Special location requirements.

Consistent with the requirements of sections 2 and 3 of Executive Order 11512 of February 27, 1970, and the policy in § 101–18.100(g), agencies shall submit justification for a location requirement other than the central business district and the fringe areas thereof.

Subpart 101–18.1—Acquisition by Lease

3. Section 101–18.100 is amended to add paragraph (g) as follows:

§ 101–18.100 Basic policy.

* * * * *

(g) To ensure that the location of leased space is consistent with the policies in § 101–19.002 on the location of Federal buildings, the area delineated for the acquisition of space shall be restricted to the central business district and the fringe areas thereof, whenever such area affords adequate competition and conforms to the missions and programs of the agencies to be housed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective February 23, 1976.

Dated: February 11, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–4974 Filed 2–20–76;8:45 am]

[FPMR Amendment D–52]

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

Carpool Parking

This regulation provides policies and procedures related to employee carpool parking.

1. The table of contents for Part 101–20 is amended to provide new entries as follows:

101–20.117	Carpool parking.
101–20.117–1	Definitions.
101–20.117–2	Policies.
101–20.117–3	Leased or contractor-operated parking spaces.
101–20.117–4	Guidelines for implementation.

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

2. Section 101–20.117 is added as follows:

§ 101–20.117 Carpool parking.

§ 101–20.117–1 Definitions.

The following definitions shall apply to this section:

(a) "Agency parking" means vehicle parking spaces under the jurisdiction and/or control of a Federal agency which are used for parking Government vehicles, other official vehicles, visitor vehicles, and employee vehicles.

(b) "Carpool" means a group of two or more people using a motor vehicle for transportation to and from work.

(c) "Employee parking" means the parking space assigned for the use of employee-owned vehicles other than those classified as "official parking."

(d) "Federal agency" means any executive department or independent establishment in the executive branch of Government, including any wholly owned Government corporation.

(e) "Handicapped employees" means Government employees so severely physically handicapped as to prohibit or make unreasonably difficult the use of public transportation. Justification for this priority may require certification by an agency medical unit or the Public Health Service.

(f) "Official parking" means parking spaces reserved for Government-owned, Government-leased, or privately owned vehicles regularly used for Government business. The phrase "privately owned vehicles regularly used for Government business" means vehicles used 12 or more workdays per month for Government business for which the employee receives reimbursement for mileage and parking fees under Government travel regulations. Monthly certification by agency heads may be required to establish this priority.

(g) "Parking space" means the area allocated in a parking facility for the temporary storage of one passenger-carrying motor vehicle.

(h) "Regular member" means a person who travels daily (leave excepted) in a carpool for a minimum distance of 1 mile each way. In addition, an agency may define a regular member as one whose worksite is located within a specific but reasonable distance from the parking facility.

(i) "Visitor parking" means parking spaces reserved for the exclusive use of visitors to Federal facilities.

§ 101–20.117–2 Policies.

Agencies shall encourage the conservation of energy by taking positive action to increase carpooling. The following policies shall be reflected in agency plans:

(a) *Parking.* In assigning all parking spaces assigned to or controlled by each agency, the following policies shall be observed:

(1) Agencies shall give first priority to official and visitor parking requirements.

(2) Severely handicapped Government employees for whom assigned parking spaces are necessary shall be accommodated.

(3) A goal of not more than 10 percent of the total spaces available for employee parking on an agency-wide basis (excluding spaces assigned to severely handicapped) shall be assigned to executive personnel and persons who are assigned unusual hours.

(4) All other spaces available for employee parking shall be made available to carpools to the extent practical.

(5) Those parking spaces reserved for carpools shall be assigned primarily on the basis of the number of members in a carpool.

(6) For the purpose of allocation of parking spaces for carpools, full credit shall be given to any regular member regardless of where he is employed except that at least one member of the carpool must be a full-time employee of the agency.

(b) *Two-wheeled vehicles.* Subject to the availability of satisfactory and secure space and facilities, agencies shall reserve areas for the parking of bicycle and other two-wheeled vehicles. Bicycles shall be given special consideration including storage type space in buildings and improved bicycle locking devices where practical and appropriate funds are available. Bicycles shall not be transported on elevators or via stairways, or parked in offices.

(c) *Regular hours.* Agency managers and supervisors shall make every effort to maintain regular arrival and departure times for all employees. Supervisors are reminded of their prerogative, within overall agency policy, to adjust the scheduled duty hours of individual employees to facilitate carpooling and the use of mass transit.

§ 101–20.117–3 Leased or contractor-operated parking spaces.

When parking spaces are controlled by specific lease or other contractual agreements, appropriate agency contracting officers shall endeavor to amend the contracts to the extent necessary to accomplish the policies prescribed by this regulation, provided the amendments are not otherwise adverse to the best interests of the Government. Where it is not economically prudent to amend existing contracts, the contracts shall be modified before renewal to comply with the agencies prescribed parking procedures.

§ 101–20.117–4 Guidelines for implementation.

Agencies shall develop and implement employee carpooling programs through extensive promotional campaigns using available internal communications. Agencies shall be responsible for assigning employee parking spaces assigned to or under the control of that agency. Implementation of the provisions of this regulation may require consultation, as appropriate, with recognized labor organizations. Each agency shall maintain written plans and procedures for the assignment of parking spaces including as a minimum the following items:

(a) Specific methods and procedures to be followed by the agency in the assignment of employee parking spaces;

(b) Assistance available to employees in establishing or joining carpools and the procedures to be followed in filing applications for parking spaces;

(c) Provision for at least an annual review and reassignment of all parking spaces;

(d) Procedures for interim reassignment and replacement caused by membership turnover;

(e) A definition of employee responsibility in the use of the parking spaces and in promptly reporting any changes in the number in or membership of carpools;

(f) A statement of penalties for misrepresentation of carpool applications (A mandatory penalty of at least 6 months' suspension of the privilege of parking on a Federal facility shall be imposed for misrepresentation of carpooling membership, application qualifications, or for violation of other agency carpooling practices and requirements. The agency may also impose other penalties where appropriate.);

(g) Provision for enforcing the parking rules and regulations;

(h) A system for maintaining carpool records and files; and

(i) Provision for internal monitoring and auditing to determine compliance with these regulations.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and Federal Management Circular 74–1)

Effective date. This regulation is effective February 23, 1976.

Dated: February 10, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–4973 Filed 2–20–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–153]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Tombigbee River, Alabama

This amendment changes the regulations for the U.S. Highway 80 drawbridge across the Tombigbee River, mile 201.6, to require at least 12 hours notice from May 1 through November 30. This amendment was circulated as a public notice dated August 15, 1975, by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75–153) on August 5, 1975 (40 FR 32837). Eight responses were received. Four had no objection or no comment. Four recommended that the notice be reduced from 24 to 12 hours. The Alabama Highway Department agreed to the reduction, and the Coast Guard has incorporated this reduced notice requirement in the regulation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.245(i)(15–a) immediately after § 117.245(i)(15) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(15–a) Tombigbee River, Ala.; U.S. highway drawbridge near Bellamy. The draw shall open on signal from December 1 through April 30. The draw shall open on signal from May 1 through November 30 if at least 12 hours notice is given. During periods of high water from May 1 through November 30, the draw shall open on signal.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on March 29, 1976.

Dated: February 13, 1976.

R. L. PRICE,
Rear Admiral, U.S. Coast Guard, Chief of Office of Marine Environment and Systems.

[FR Doc.76–5052 Filed 2–20–76;8:45 am]

[CGD 75–215]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Grosse Tete, La.

This amendment changes the regulations for the railroad bridge across Bayou Grosse Tete, mile 147., to allow the removal of all operating machinery from the movable span and allow the draw to remain permanently closed to the passage of vessels. This amendment was circulated as a public notice dated August 15, 1975, by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75–215) on November 21, 1975 (40 FR 54258). The five replies received had no objection to the proposed change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.245(j)(9) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(9) Bayou Grosse Tete, La.

(i) Texas and Pacific Railroad bridge, mile 14.7. The draw need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge. However, the owner of or agency controlling this bridge shall restore the draw to full operation within six months of notification to take such action by the Commandant, U.S. Coast Guard.

(ii) The Louisiana Department of Highway bridge near Rosedale, mile 15.3. The draw shall open on signal if at least 48 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on March 29, 1976.

Dated: February 13, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76–5054 Filed 2–20–76;8:45 am]

[CGD 75–214]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Old Fort Bayou, Mississippi

This amendment changes the regulations for the old U.S. 90 swing span bridge across Old Fort Bayou, mile 1.6, at Ocean Springs, Mississippi, to require that from 9 p.m. to 5 a.m. at least eight hours notice be given. The bridge will be required to open on signal at all times during periods of storms and hurricanes. This amendment was circulated as a public notice dated December 1, 1975, by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75–214) on November 21, 1975 (40 FR 54259). Four responses were received. Two had no objection to the proposal. One requested a public hearing. In this case a public hearing is not warranted because of the small amount of interest expressed and the anticipated lack of impact on navigation. One commentator recommended that the notice time be reduced from 8 to 4 hours. The Coast Guard conferred with the commentator and assured him that the draw would be opened on 8 hours notice. He subsequently requested that his recommendation be withdrawn.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, is amended by adding a new § 117.505 immediately after § 117.495 to read as follows:

§ 117.505 Old Fort Bayou, Miss.

The draw of the old U.S. 90 bridge across the Old Fort Bayou, Ocean Springs, Miss., shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw shall open on signal if at least eight hours' notice is given to the Old Fort Bayou bridge tender. However, during periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on March 29, 1976.

Dated: February 13, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76–5055 Filed 2–20–76;8:45 am]

[CGD 74-137]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chicago River, Illinois

This amendment changes the regulations for several of the bridges across the Chicago River and its tributaries to allow more restrictive opening periods. This amendment was circulated as a public notice dated June 12, 1974, by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-137) on June 3, 1974 (39 FR 13502). Two responses were received. One of these requested that § 117.663(e)(6) be deleted because this drawbridge is also included in § 117.663 (h). As the vertical clearance of this bridge is greater than either the immediate upstream or downstream bridges, the regulation as proposed in § 117.663 (e)(6) would serve no useful purpose and it is therefore deleted. The other response requested that the draw of the North Avenue bridge be returned to operable condition. This draw was closed to navigation that could not pass under the closed draw on April 2, 1972 (37 FR 4433 dated March 3, 1972). A separate action will be required to amend this regulation and this response is therefore not considered germane to this case.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.641 [Amended]

1. By revoking § 117.641(f)(7) and (7-a).

2. By revising § 117.663 to read as follows:

§ 117.663 The Chicago River and its tributaries.

(a) the draws of each of the bridges in this section shall open promptly on signal except as provided in paragraph (e) of this section.

(b) The owners of or agencies controlling each bridge shall provide the necessary drawtenders and the proper operating machinery, maintained in serviceable condition, for the safe opening of the draw.

(c) The owners or agencies controlling each bridge shall conspicuously post and maintain notices both upstream and downstream of each bridge in such a manner that they can easily be read from an approaching vessel. The notices shall contain the special operational regulations applicable to each bridge. When applicable, information as to whom notice should be given when passage through the draw is desired and how such persons may be reached shall be included.

(d) *Signals.* (1) Call signals for opening of drawbridges or passing through an open draw shall be three short blasts of a whistle, horn, siren, or by shouting for all bridges except the Chicago and Northwestern Railroad bridge near West Kinzie Street and the Chicago, Milwaukee, St. Paul and the Pacific Railroad bridge near West North Avenue for which the signal shall be four short blasts, and the Lake Street bridge when approaching from the north for which the signal shall be five short blasts.

(2) Acknowledging signals to be given by drawtender:

(i) When the draw will be opened immediately. None.

(ii) When the draw cannot open immediately or is open and must be closed immediately. A red flag by day or a red light by night waived until the draw can be opened.

(3) When two or more vessels are approaching a drawbridge at the same time from opposite directions with the draw open or closed, each vessel shall signal independently for the opening of the draw, and the drawtender shall reply to the signal of each vessel if the draw cannot open or is open and must be closed.

(e) Bridges not opening promptly on signal.

(1) Monday through Friday, from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m., the draws of the bridges across the Chicago River, South Branch from its junction with the Chicago River south to and including West Roosevelt Road and North Branch at West Kinzie Street and at the Northwest Expressway Feeder bridge need not open for the passage of vessels.

(2) Monday through Friday, from 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m., the draws of the bridges across the North Branch of the Chicago River at Grand Avenue and all bridges north of the Northwest Expressway Feeder bridge to and including North Halsted Street and across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street need not open for the passage of vessels.

(3) Monday through Friday, from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m., the draws of the bridges across the North Branch of the Chicago River north of North Halsted Street and the South Branch of the Chicago River south of South Halsted Street need not open for the passage of vessels.

(4) From January 1 through March 31, the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given. However, the Randolph Street, Cermak Road Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal at all times other than those times provided in paragraphs (e) (1), (2) and (3) of this section.

(5) Constant attendance is not required at the following City of Chicago bridges:

(i) *Chicago River, South Branch*

Washington Street
Madison Street
Monroe Street
Adams Street
Jackson Boulevard
Van Buren Street
Congress Street (Eisenhower Expressway)
Harrison Street
Roosevelt Road
Eighteenth Street
Canal Street
South Halsted Street

(ii) *West Fork of the South Branch*

South Ashland Avenue
South Damen Avenue

(iii) *Chicago River, North Branch*

Grand Avenue
Chicago Avenue
North Halsted Street
Ogden Avenue
Division Street

(iv) *North Branch Canal*

Ogden Avenue
Division Street

Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Director's Office or an authorized representative.

(6) [Reserved]

(7) The draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the North Branch Canal shall open on signal if at least 1 hour's notice is given.

(8) The draws of bridges that have a vertical clearance of less than 17 feet above Low Water Datum for Lake Michigan shall open at any time to permit the passage of tugs and tugboats.

(f) The draws of any of the bridges listed in this section shall be opened as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States notwithstanding any exceptions set forth elsewhere in this section.

(g) The draw of the Lake Shore Drive bridge across Ogden Slip need not open for the passage of vessels. The operating machinery need not be maintained.

(h) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern Railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels. However, the draws shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

Effective date. This revision shall become effective on March 29, 1976.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: February 13, 1976.

R. I. PRICE,
Rear Admiral U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-5053 Filed 2-20-76;8:45 am]

[CGD 75-063]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Wishkah River, Washington

This amendment changes the regulations for the State of Washington high-

way bridges across the Wishkah River at Heron Street, and Wishkah Street, Aberdeen, Washington, to require at least one-half hour notice before the draws are required to open. This amendment was circulated as a public notice dated March 3, 1975, by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-063) on March 4, 1975 (40 FR 8958). The proposal was for at least one hour notice at all times. Eleven replies were received. Two had no objection. Nine commenters objected to the proposal. The Washington State Highway Commission held a public meeting on June 17, 1975, to try to resolve the issues raised by the objections. No reconciliation was accomplished as a result of this meeting. However, the Washington State Highway Commission requested that the notice time be reduced from one hour to one-half hour. The Coast Guard feels that this is a reasonable request and that the one-half hour notice requirement will adequately serve the needs of navigation. The Coast Guard will monitor this change and will determine if future revisions are necessary. The change in opening signals was not commented upon and is therefore adopted.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.775(b)(5) to read as follows:

§ 117.775 Grays Harbor and tributaries, Washington; bridges.

* * * * *

(b) Signals * * *

(5) State of Washington bridges over Wishkah River at Heron Street and at Wishkah Street: One long blast of whistle followed quickly by two short blasts.

* * * * *

§ 117.775 [Amended]

2. Revoking § 117.775(b)(6).

3. Revising § 117.810(f)(5) to read as follows:

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(5) Wishkah River; State of Washington bridges over Wishkah River at Heron Street and at Wishkah Street. The draws shall open on signal if at least one-half hour notice is given. The State Department of Highways shall accept collect telephone calls from vessels via the local marine telephone operator or long distance telephone. The State Department of Highways shall provide a two-way radiotelephone on the Chehalis River bridge which will be attended at all times. Vessels may place calls for the Wishkah River bridges through the Chehalis River operator who shall monitor 21 82 Kz and switch to 27 38 Kz for communication.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on March 29, 1976.

Dated: February 17, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-5057 Filed 2-20-76;8:45 am]

[CGD 75-179]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chehalis River, Washington

This amendment changes the regulations for the highway drawbridge across the Chehalis River at Aberdeen to permit closed periods during the morning and evening peak vehicular traffic periods. This amendment was circulated as a public notice dated November 12, 1975, by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-179) on November 4, 1975 (40 FR 51202). Three comments were received. One supported the proposal, one had no objection thereto, and one stated that no serious impact would result from its adoption.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.775 [Amended]

1. By deleting § 117.775(b)(8)

2. By adding a new § 117.776 immediately after § 117.775 to read as follows:

§ 117.776 State highway bridge across Chehalis River, Aberdeen, Washington.

(a) From 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need not open for the passage of vessels of less than 5,000 gross tons. At all other times, the draw shall open on signal.

(b) The opening signal is two short blasts followed quickly by one long blast.

(c) The regulations set forth in § 117.-775(a) shall apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 29, 1976.

Dated: January 14, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-5056 Filed 2-20-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-133; Amdt. to 146]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Definitions for Flammable and Combustible Liquids

On December 31, 1975, the Materials Transportation Bureau published in Docket No. HM-133; Amendment to 146 (40 FR 60030), several amendments to Part 146 of Title 46 Code of Federal Regulations. The amendments provided new definitions for flammable and combustible liquids with respect to the transportation of those materials aboard vessels. Under the same docket, additional amendments to Part 146 were made to make the regulations dealing with the transportation of flammable and combustible liquids aboard vessels compatible with the regulations in 49 CFR dealing with the transportation of those materials by surface modes. The amendments issued under Docket HM-133 were announced to become effective on March 31, 1976.

The Bureau has received several petitions for reconsideration of the amendments made in Docket HM-133. They have brought to the Bureau's attention that the amendments do not provide the necessary compatibility between 46 CFR and 49 CFR with respect to transporting flammable and combustible liquids. Specifically, the petitions state that because § 146.04-5 "List of explosives and other dangerous articles and combustible liquids," identifies the materials listed in the amendment by their technical names, the materials cannot be identified by general descriptive names (i.e., Flammable liquid n.o.s.) when they are transported by vessel.

The petitions point out that when those same materials are transported by surface vehicle, they are identified by the general descriptive name because the technical names for those materials do not appear in 49 CFR. Because of this inconsistency, if the amendment to § 146.04-5 of 46 CFR as published in Docket HM-133 were allowed to go into effect, unnecessary marking and shipping paper problems would be encountered when transferring any of the affected materials from a surface vehicle to a vessel. By this document, the Bureau is correcting the amendment to § 146.04-5, made under Docket HM-133, to allow the materials listed in the amendment to be identified by general descriptive names when being transported by vessel.

The petitioners also pointed out that the amendments under Docket HM-133 that revoke §§ 146.21-70, 146.21-75, 146.-21-77, and 146.21-79 of 46 CFR as of March 31, 1976, will result in the requirement for specification packagings

for materials specified in these subsections when shipped in containers of 5-gallon capacity or less. The Bureau agrees that revocation of those subsections should be open to public comment. Therefore, the revocations will not take effect as announced. If the Bureau considers a future amendment of those subsections, the public will be invited to participate in that rule making.

In addition, the authority for the issuance of the amendments under Docket HM-133 was incorrectly cited to include 46 U.S.C. 391(a). This document corrects the authority citation to exclude the reference to 46 U.S.C. 391(a).

In consideration of the foregoing, the amendments to Part 146 of 46 CFR issued on December 31, 1975 under Docket HM-133 (40 FR 60030) to become effective on March 31, 1976, are changed as follows:

§ 146.04-5 [Amended]

1. In Amendment 5 (§ 146.04-5), the semicolon following "Turpentine" is changed to a period and the remainder of the amendment, including the table, is deleted.

2. The revocation of §§ 146.21-70, 146.-21-75, 146.21-77, and 146.21-79 announced in Amendment 9 will not take effect as announced. Those sections will remain in full force and effect, and read as follows:

§ 146.21-70 Limited quantity shipments of paint products.

(a) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid and thinning reducing and removing compounds therefor, and driers, liquid therefor, when packed in inside glass or earthenware containers of not over 1-quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements. When fiberboard box is used for such shipments by water gross weight must not exceed 65 pounds.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.21-75 Limited quantity shipments of polishes.

(a) Polishes, metal, stove, furniture and wood, liquid, when packed in inside glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.21-77 Limited quantity shipments of cements.

(a) Cements, except cements containing carbon bisulfide, in glass, earthenware, or leakproof containers with fiberboard bodies and metal tops and bottoms of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.21-79 Limited quantity shipments of inks.

(a) Inks, when packed in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to the regulations in this part, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

[CGFR 65-52, 30 FR 15218, Dec. 9, 1965]

3. The authority citation for Docket HM-133 is corrected to read as follows: (49 U.S.C. 170(7), 49 CFR 1.53(f)).

The authority for making these changes to the Amendments issued under Docket HM-133 is: (49 U.S.C. 170(7) and 49 CFR 1.53(f)).

Effective Date: These changes to the amendments issued under Docket HM-133 are effective on February 23, 1976.

Issued in Washington, D.C. on February 17, 1976.

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

[FR Doc.76-1966 Filed 2-20-76;8:45 am]

Title 10—Energy

CHAPTER 1—NUCLEAR REGULATORY COMMISSION

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rule making that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed. The Food and Drug Administration (FDA) has approved a "New Drug Application" for tin 113/indium 113m generator for the elution of indium 113m as chloride for use in blood pool imaging including placenta localization and these procedures are hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments relieve licensees from restrictions under regulations currently in effect, they may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. In § 35.100, Paragraph (c)(4) is amended by changing the period at the end of the paragraph to a semicolon and a new paragraph (c)(5) is added to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

* * * * *

(c) * * *

(5) Tin 113/indium 113m generators for the elution of indium 113m as chloride for:

(1) Blood pool imaging including placenta localization.

Effective Date: These amendments become effective on February 23, 1976.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Part 81, Law 93–438, 88 Stat. 1242 (935, 42 U.S.C. 5841))

Dated at Bethesda, Maryland this 22nd day of January 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76–5200 Filed 2–20–76;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

National Park Service

[36 CFR Part 7]

CRATER LAKE NATIONAL PARK, OREGON

Snowmobiles

Notice is hereby given that pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and by section 2 of the Act of May 22, 1902 (32 Stat. 202, 16 U.S.C. 122), 245 DM 1 (34 FR 13879) as amended; National Park Service Order No. 77 (38 FR 7478), as amended; and Pacific Northwest Region Order No. 3 (37 FR 6325), as amended; it is proposed to add a new paragraph (c) to § 7.2 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this proposal is to comply with 36 CFR Chapter I, Part 2, § 2.34(c) to designate an area or route for snowmobiling. The criteria contained in section 3 and 4 of EO 11644 (37 FR 2877) and other factors such as visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, and resource protection were considered.

An environmental assessment has been prepared on the designation of the snowmobile routes and is available for public review in the office of the Park Superintendent.

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 Notice to Superintendent, Crater Lake National Park, Crater Lake, Oregon 97604, on or before March 24, 1976.

It is proposed to amend 36 CFR § 7.2 (c) as follows:

§ 7.2 Crater Lake National Park.

* * * * *

(c) *Snowmobiles.* Snowmobile use is permitted in Crater Lake National Park on the North Entrance Road from its intersection with the Rim Drive to the park boundary, and on intermittent routes detouring from the North Entrance Road as designated by the Superintendent and marked with snow poles and signs. Except for such designated detours marked with snow poles and signs, only that portion of the North Entrance Road intended for wheeled vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated roadway is closed to all wheeled vehicles used by the public.

FRANK J. BETTS,
Superintendent,
Crater Lake National Park.

[FR Doc.76-5051 Filed 2-20-76;8:45 am]

Office of the Secretary

[43 CFR Part 28]

FIRE PROTECTION

Reciprocal Agreements and Emergency Assistance

The purpose of this proposed rulemaking is to provide regulations to implement the Act of May 27, 1955 (42 U.S.C. 1856). This Act authorizes cooperation and emergency assistance between fire protection organizations.

In accordance with the Department's policy on public participation in rulemaking (36 Fed. Reg. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before March 20, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m.–4:15 p.m.).

A new Part 28 is added as follows:

PART 28—RECIPROCAL FIRE PROTECTION AGREEMENTS AND EMERGENCY ASSISTANCE

Secs.
28.1 Purpose.
28.2 Definitions.
28.3 Reciprocal Agreements.
28.4 Emergency assistance.

AUTHORITY: Secs. 1856 a and b, Pub. L. 84-46, 69 Stat. 66.

§ 28.1 Purpose.

The purpose of this part is to provide criteria for agencies in the Department to enter into reciprocal fire protection agreements with fire organizations not within the Department. It also provides criteria for agencies in the Department to render fire protection emergency assistance to fire organization not within the Department.

§ 28.2 Definitions.

As used in this part:

(a) The term "agency head" means the Secretary of the Interior or an official of the Department of the Interior who exercises authority delegated by the Secretary of the Interior.

(b) The term "fire protection" includes personnel services and equipment required for fire prevention, the protection of life and property, and firefighting; and

(c) The term "fire organization" means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, including any tribe, band, group, pueblo or community which is recognized as being eligible for the specific programs and services provided by the United States to Indians because of their status as Indians, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States.

§ 28.3 Reciprocal agreements.

Each agency head within the Department having fire protection capabilities may enter into reciprocal fire protection agreements with any fire organization as provided in 42 U.S.C. 1856a.

§ 28.4 Emergency assistance.

In the absence of a reciprocal fire protection agreement, each agency head may provide emergency fire protection if said emergency fire protection will not jeopardize the property of the United States by making it impossible for the agency head to protect the property of the United States and such assistance is determined to be in the best interest of the United States. The providing of emergency assistance shall not be in the best interest of the United States and may not be granted by an agency head if:

(a) Persons other than those currently employed by the agency at the time of the emergency and trained in the type of emergency assistance being provided would be used in the providing of the emergency assistance.

(b) Assistance is provided to a place more than an hour's travel from where the agency maintains fire protection facilities. Assistance which requires more than an hour's travel may be given for those fire emergencies threatening to last more than 12 hours, or endangering human life.

DENNIS N. SACHS,
Secretary of the Interior.

FEBRUARY 13, 1976.

[FR Doc.76-5020 Filed 2-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

[Docket No. AO 90-A6]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating

the handling of fresh pears, plums and peaches grown in California (hereinafter, in this text of the Findings and Conclusions, collectively referred to as the "order.").

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by March 12, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Fresno, California, on December 10, 1975. Notice of the hearing was published in the November 19, 1975, issue of the FEDERAL REGISTER (40 FR 53601) and corrected on November 28, 1975 (40 FR 55362). The proposals contained in the notice of hearing were submitted by the Control Committee.

Material issues. The material issues of record are as follows:

1. Authorize the regulation of intrastate shipments of fresh pears and peaches.

2. Authorize marketing promotion projects, including paid advertising, for fresh pears and peaches.

3. Authorize the commodity committee for each fruit to make recommendations to the Secretary of Agriculture with respect to its expenses and the rate of assessment needed to provide funds for these expenses and to maintain an operating monetary reserve.

4. Enlarge the Pear Commodity Committee by one member.

5. Authorize each commodity committee to recommend redefinition of the production districts and realignment of district representation on the committee.

6. Authorize the appointment of one public member on each commodiy committee and public representaion on the Control Committee.

7. Delete the section pertaining to exemptions.

8. Make conforming changes.

Findings and conclusions: The following findings and conclusions on the material issues are based on the record of the hearing:

(1) The order should be amended to make intrastate shipments of peaches and pears subject to regulation thereunder. This should be effected as a revision of the term "handle" as hereinafter set forth. All handling of peaches and pears gown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

California is an important market for peaches and pears. Los Angeles far outranks other principal markets for California peaches. In 1974, 1,156 carlot equivalents of peaches were unloaded in Los Angeles and 506 carlots were unloaded in the San Francisco-Oakland area, commonly referred to as the Bay area, the second ranking market. During that year these two markets accounted for nearly 43 percent of total unloads of California peaches in 46 specified market areas. The Minneapolis-St. Paul market ranked third with 283 carlots of peaches. Likewise, the markets within the State constitute substantial outlets for fresh pears even during years of low pear production. During the 5-year period 1969–73 annual intrastate shipments of California pears were approximately 25 percent of total fresh shipments.

Moreover, Los Angeles, San Francisco, Oakland, and other intrastate markets are major points for the transshipment of peaches and pears to markets outside the State. Handlers of such fruits do not consider California markets and those outside as separate market areas. Each handler's objective is to secure the highest possible returns for his fruit. He surveys all available markets; and if a market within the State offers the best opportunity for the sale of peaches or pears, he ships to this point. If markets outside are reflecting higher returns, shipments are diverted to those markets. Hence, it is evident that prices for peaches and pears in all markets are interrelated and if any particular market either in or outside the State offers greater returns than those elsewhere, supplies are diverted to the most advantageous market.

The movement and sale of peaches and pears from the production area to markets within the State are intermingled with the movement and sale of peaches and pears from such area to interstate markets and thus affect interstate commerce and the regulation thereof. Currently, intrastate shipments of peaches and pears are subject to regulation under California marketing orders. Regulation of such shipments under the order would facilitate more efficient administration, reduce costs and assure regulations uniformly applicable to intrastate and interstate shipments of peaches and pears and promote orderly marketing for all shipments of such fruits.

The term "handle" with respect to peaches and pears should be defined to include all phases of selling and transporting which place peaches and pears in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of peaches and pears begins at the time the fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities such as selling, consigning, delivering, or transporting within or from the production area by any person, either directly or through others, should constitute handaling. In order to effectuate the declared policy of the act, each handler should be required, except as provided in the order, to limit the handling of peaches and pears to fruit which conforms to the applicable regulations prescribed by or under the order.

The order should be amended as hereinafter set forth to redefine the term "grower", as it applies to pears, to mean any person who produces pears for market in fresh form and who has a proprietary interest therein. The term "grower" is defined in the order to identify the persons who are eligible to vote as "growers" in referenda in connection with the order, to vote for nominees to fill positions on the respective committees under the order and to serve in such positions. Currently, "grower" is defined with respect to pears as any person who produces pears for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein. This amended definition would make all growers of pears eligible to vote for nominees to fill positions on the Pear Commodity Committee, irrespective of the markets (intrastate or interstate), to which their pears are shipped. This is appropriate since, as heretofore concluded, all shipments of pears should be subject to regulation under the order. Hence, all growers of pears should be eligible to vote in referenda, for nominees to fill committee positions, and to serve in such positions.

(2) Promotional activities for peaches and pears are presently conducted under State marketing orders. The record shows a wide consensus among the peach and pear industries that promotional activities have been beneficial in increasing demand and should be continued. The evidence indicates that economies could be effected and that it would otherwise be advantageous to the peach and pear industries if such activities were carried out under the order. Current promotional activities have focused on the "California Summer Fruits" theme covering peaches, pears, plums and nectarines. The sharing of overhead and administrative costs reduces the costs of promotional activities for each fruit. The evidence indicates that provisions for paid advertising activities for peaches and pears and vesting authority therefor in the Peach and Pear Commodity Committees would place the peach and pear industries in a better position to advance the interests of growers, and this would tend to effectuate provisions of the act and the order. Therefore, the order should be amended as hereinafter set forth to authorize any form of marketing promotion for peaches and pears permitted by the act, including paid advertising.

Major promotional effort may appropriately be directed to the following objectives: (1) To make prospective consumers aware of the products' availability, their characteristics and uses, (2) to encourage in-store promotional activity, and (3) to foster improved handling of fruit at wholesale and retail levels.

However, such objectives should not be considered all inclusive, and the committees should be authorized to pursue such other objectives as may be determined to be appropriate and authorized by the act.

The following promotional and advertising techniques were cited as examples of techniques which may be employed:

Trade contact is widely regarded as a basic component of promotional activity. Contact is made through field representatives assigned to the various marketing areas where activities are to be concentrated. The duties of field representatives could include the dissemination of supply information, including when peak volume is available for market and information concerning varieties, the distribution of point-of-sale material and other aids, merchandising media programs to the trade, and arranging for and supervising retail contests.

Publicity education is a good promotional technique. Food page publicity which makes available recipes, serving suggestions, selection and ripening tips will generally be given newspaper editorial space. The food pages of newspapers and magazines, radio and TV programs and local extension home economists are valuable sources for guidance in meal planning. Consumers readily accept suggestions from these sources as reliable and acceptable information. The proposed authority for market promotion, including paid advertising, would enable the committee to supply peach and pear information and publicity materials to food news editors and similar persons for appropriate distribution. Funds may also be used to carry out studies and research in promotion-related activities. An example of this type of activity is the development of a relatively inexpensive ripening bowl which would be used by consumers in handling and ripening fresh fruits at home.

Another technique is paid advertising, often referred to as "media." Media generally is expensive but some things can be done selectively in this field that are inexpensive and yet create an impact on the buying trade as well as the consuming public. Trade paper ads, particularly at the beginning of the season, together with the editorial support which trade papers are willing to accord an advertiser are helpful in launching a program for seasonal fruits such as peaches and pears. Spot radio or TV commercials in the principal markets during peak movement periods have proved to be successful. It has been found in many fresh promotional programs that spot announcements, particularly when developed with a "dealer tag" at the end of each spot, have considerable influence in triggering retail promotions. "Dealer tags" are blank spots at the end of the announcements in which the announcer refers to a local retailer as a good place to purchase the product. These spots can be mechandised in such a way as to secure extra display space and promotional price and tie-in advertising financed by the retailer.

The Peach and Pear Commodity Committees should have the responsibility of developing and carrying out each season's advertising and promotional program. In developing recommendations for such program, the respective committees, prior to initiation of any such program, should submit their recommendations and plans to the Secretary for approval.

(3) The order currently provides that the Control Committee recommend to the Secretary a budget of expenses and an assessment rate for each fruit. In actual practice each commodity committee has developed its respective portion of the budget and appropriate rate of assessment and forwarded the proposals to the Control Committee, which in turn has made its recommendation to the Secretary. The order should be amended, as hereinafter set forth, to empower each commodity committee to recommend to the Secretary its budget of expenses and rate of assessment.

Recommendations with respect to the budget and assessment rates depend to a high degree upon anticipated production of the regulated fruits. The Control Committee in the past has submitted a recommended assessment rate for each fruit and a report on the budget as early in the shipping season as practical. However, the initial shipment dates of the fruits vary considerably, and a reasonable estimate of the production of each fruit cannot be made until just prior to the beginning of shipments. The recommended amendment would allow each commodity committee to submit to the Secretary its budget and recommended rate of assessment together with the information considered by the committee in arriving at the budget and recommendation when sufficient information is available to estimate crop size and evaluate activities for the coming season.

Under the revised procedure handlers may continue to make advance payments of their proportionate share of the operating cost of the program in any given year. Evidence indicates that it would be economically advantageous to have a single agency collect assessments from handlers. The Control Committee has functioned in this capacity in the past and should continue to do so.

The interrelationship of the commodities under the order requires that expenses of the Control Committee must be shared by the three commodities. The record indicates that the allocation of shared expenses should continue to be computed by the Control Committee which has as members representatives of each of these commodity committees. It is appropriate that the Control Committee provide each commodity committee information as to its proportionate share of expenses and that such amount be reflected in each commodity committee's proposed budget.

The order should be amended to revise provisions relating to the financial reserve. In the operation of the order, the Control Committee currently maintains separate reserve accounts for the three commodities to cover any expenses authorized under the order. The source of funds in reserve has been from excess assessments of the respective committee. The reserve is limited to an amount approximately equal to the expenses of a fiscal period. Currently, the reserve equals about 40 percent of the average expense of a fiscal period. Since the reserve funds are maintained for the respective commodity committees, and such committees should be given primary budgetary and assessment authority, it would be appropriate and consistent with the expanded fiscal responsibilities of each commodity committee to confer the authority to accumulate and maintain a financial reserve upon each commodity committee. Therefore, it is concluded that the order should be amended to so confer such authority.

(4) The order should be amended to increase the membership of the Pear Commodity Committee from twelve to thirteen members and to allocate the enlarged membership of the committee among such areas as hereinafter specified. Such action is necessary to provide appropriate representation for all pear-producing districts. Representation on the Pear Commodity Committee is allocated among representation areas principally on the basis of the relative volume of production as set forth in § 917.21. The most recent reapportionment of representation on the Pear Commodity Committee was effected on February 28, 1975, and set forth in § 917.121 of the order under Subpart—Rules and Regulations. The provisions of § 917.21 should be amended to reflect the allocation set forth in § 917.121 and further amended, as hereinafter set forth, to place the Stanislaus district with the districts of the same geographical area, delineate the El Dorado District from the balance of the production area, and designate such district as a separate representation area. Such representation area should be represented by the member currently representing the El Dorado District and the balance of the production area. It is appropriate and in accordance with provisions of the order that a member and alternate member to represent the balance of the production area, mostly centered in Tehachapi-Littlerock area, be selected by the Secretary from nominations or from other qualified individuals.

Additionally, the order should be amended, as hereinafter set forth in § 917.23, to reflect the allocation of representation to the Plum Commodity Committee. Such amendment is necessary to simplify current languge and to incorporate changes previously made effective in the administrative rules and regulations established under the order.

(5) The order currently contains authority for the Control Committee, with the Secretary's approval, to redefine the districts and to reapportion membership among districts. Under the order, changes in the number of members from each representation area shall be based, insofar as practicable, upon the

proportionate quantity of the respective fruit shipped from the respective representation area during the preceding three fiscal periods. Information on shipments of the particular fruit is available from records of the particular commodity committee. Moreover, each commodity committee has the knowledge to determine if equitable representation is being given to the various areas of the production area. In practice, the commodity committees have originated proposals with respect to redefinition of districts and realocation of membership and forwarded them to the Control Committee. Under such circumstances the order should be amended to vest authority in the respective commodity committees for redistricting and reapportionment of membership.

The authority with respect to redefinition of districts and reallocation of representation on commodity committees should be revised to establish the principle that in effecting any such redefinition and reallocation, consideration shall be given to assigning a member position on the Peach Commodity Committee to any representation area which originated 5 percent of regulated shipments during the previous 3-year period. This principle is currently applied in assigning members to the Pear and Plum Commodity Committees. Evidence indicates that volume of shipments is primarily important; however, consideration should also be given to such factors as geographical location and isolation from the main areas of production.

(6) Sections 917.16, 917.18, and 917.19 as such sections relate to designation, nomination and selection of grower members of the Control Committee should be amended, as hereinafter set forth, to conform such sections to the amendment of § 917.20, as hereinafter discussed, to authorize public member and alternate member positions on each commodity committee. Section 917.16 should be amended to substitute the term "commodity committee" members for the term "grower" members in the designation of the Control Committee. The order provides that the Pear, Peach and Plum Commodity Committees nominate, pursuant to a prescribed allocation, the grower member of the Control Committee. Any member or alternate member of a commodity committee is eligible for nomination by such commodity committee to the Control Committee. Under the recommended authorization, any public representative selected to serve as the grower members of the Control Commember or alternate member on any commodity committee would likewise be a prospective nominee for membership on the Control Committee. Inasmuch as public representatives may be nominated by their respective commodity committees to serve on the Control Committee, it would be appropriate to designate said 13 members of the Control Committee as "commodity committee" members rather than "grower" members.

Likewise, §§ 917.18 and 917.19 should be amended to provide that the nomination and selection processes currently applicable to "grower" members of the Control Committee would instead be applicable to "commodity committee" members of the Control Committee. Taking into account the fact that public members may also serve on the Control Committee, it is no longer appropriate to require that a member of the Control Committee be a person who produced fruit during the previous season, and the order should be so amended.

The other should be amended to authorize each commodity committee to nominate an additional member and alternate member to represent the public. Evidence indicates that public representation on commodity committees could improve the exchange of information and viewpoints between the committees and the public. Also, the participation of a public member during the committee's discussions and recommendations would supplement the opportunity for expression of public opinion afforded in meetings of the committees which are open to the public. Public members on California Advisory Boards under State authority have proved to be effective participants and contributors, and the record indicates that comparably qualified persons should prove equally as effective on commodity committees and the Control Committee.

Any individual selected from the public to serve on a commodity committee should meet specified requirements. For example, it would be appropriate that public member and alternate member nominees not have a direct financial interest nor be closely associated with the production, processing, financing or marketing of agricultural commodities. Also, such nominees should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themselves with the background and economics of the industry. The evidence further indicates that consideration should be given to selecting nominees under such authorization who are residents of the area in which the fruit is produced.

It is impractial, however, to specify detailed qualification requirements for public member and alternate member in the order and it would be appropriate to adopt such by means of rules and regulations recommended by the Control Committee as a need for different qualifications may become apparent as experience is gained. The Control Committee should submit such rules and regulations to the Secretary for his approval. The Control Committee should have the further duty of recommending for the Secretary's approval procedures to be followed by the commodity committees in nominating the public member and alternate member. As previously discussed, any public member or alternate member, by virtue of appointment to a commodity committee, should be eligible for nomination and selection to the Control Committee.

(7) Exemption provisions in § 917.44 should be deleted. Exemption procedure therein specified has been effective under rules and regulations since 1951. Since that date very few growers have applied for exemption. Exemption provisions were designed to deal with the situation in which a grower, due to conditions beyond his control, was prevented by regulation from shipping a percentage of his fruit equal to the average that could be shipped from his district. Conditions beyond the grower's control could include adverse climatic conditions and other unforseen factors affecting the quality of the crop. In recent years growers have adopted cultural practices which tend to offset such factors, and regulations issued under the order have provided tolerances to permit shipment of some such affected fruit. However, it is recognized that with ample quantities of good quality fruit available, there is not apt to be a market for seriously damaged fruit.

The authority for the establishment of a Sales Managers' Committee for each of the regulated fruits should be deleted. Sales Managers' Committees, each comprised of 7 shipper members, were originally provided to meet with the respective commodity committees and to advise them as to regulations that should be recommended to the Secretary. In recent years an increasing number of members of commodity committees have been growers who ship their own fruit and who may ship the fruit of other growers. Moreover, meetings of the committees are open and shippers are free to attend and express their suggestions as to regulations. In view of this and the fact grower-shipper members now serve on the committees, the need for establishing Sales Managers' Committees as a device for keeping the committees apprised of shipper views has ended. Due to such changes and other circumstances Sales Managers' Committees have not functioned since 1972.

The provisions for "elective bodies" as a method of nominating the 12 shipper members of the Control Committee should be deleted. Under such method any shipper or group of shippers who shipped at least one-third of the total tonnage of fruit shipped during the preceding season may form an elective body and nominate four members. Testimony indicates that the provision of elective bodies was thought necessary to assure equitable representation on the Control Committee. However, no shipper or group of shippers have exercised the prerogative of forming an elective body.

The procedure currently being used to nominate shipper membership of the Control Committee is the procedure provided in the order as an alternative to nominations by elective bodies. Such procedure provides that the Control Committee convene a meeting of shippers of regulated fruits by February 1 of each year. At such meeting shippers select a nominee for each of the 12 shipper member positions on the Control Committee. This procedure has proved to be satisfactory and appropriate. Therefore, provisions of the order pertaining to nomination of shipper members of the Control Committee should be revised as hereinafter set forth.

Currently, based on a twelve-member committee, the quorum requirement for the Pear Commodity Committee is eight members. The order should be amended to increase the quorum requirement for the Pear Commodity Committee to nine members. Such increased requirement is consistent with the increased size of such committee, which would be effected by this amendment. The order now requires a vote equal to the quorum requirement to sustain an action pursuant to § 917.39 or recommendations for regulation of shipments pursuant to §§ 917.40 through 917.43. This has proved to be satisfactory and should be continued. Therefore, the order should be amended, as hereinafter set forth, to increase the quorum requirement for the Pear Commodity Committee to 9 members and to require an affirmative vote by 9 members for the approval of actions and recommendations pursuant to the specified sections.

The date in the order by which nominations to fill positions on the Peach, Pear and Plum Commodity Committees shall be made, should be changed from February 15 of each year to February 15 of each odd-numbered year. The revised date for designating nominees of the commodity committees would conform with current order provisions requiring that members of said committees be selected biennially for a term ending on the last day of February of odd-numbered years. The 2-year term of office of commodity committee members was effected in an amendment of the order in 1971. Previous to that, members were selected to a 1-year term of office, and nominations were made by February 15 of each year. Through oversight the provision for nomination on the basis of a two-year term was not changed.

Paragraph (b) of § 917.22 contains references to the appointment of the Peach Commodity Committee for the term ending the last day of February 1972. Such references are obsolete, and the entire text of paragraph (b) should be deleted.

Testimony indicates that all the provisions of the order that are not proposed to be amended which are currently in effect for interstate shipments of pears and peaches should be retained in their present form. All of such provisions should be applicable to the intrastate shipments of pears and peaches in the same manner as they are applicable to such shipments of plums.

(8) The amendment hertofore recommended will make it necessary to make certain conforming changes in sections not specifically discussed in connection therewith. All such changes should be incorporated in the order as hereinafter set forth.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed December 31, 1975, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, an as hereby proposed to be further amended, regulate the handling of fresh pears, plums, and peaches grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carryout the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of fresh pears, plums, and peaches grown in the production area; and

(6) All handling of fresh pears, plums, and peaches grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 917.5 *Grower* is revised to read as follows:

§ 917.5 Grower.

"Grower" is synonymous with producer and means any person who produces fruit for market in fresh form, and who has a proprietary interest therein.

2. Section 917.6 *Handle* is revised to read as follows:

§ 917.6 Handle.

"Handle" and ship are synonymous and mean to sell, consign, deliver or transport fruit or to cause fruit to be sold, consigned, delivered or transported between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

2a. Section 917.15 *Representation area* is revised to read as follows:

§ 917.15 Representation area.

"Representation area" means any one of the districts or groups of districts which are designated for nominating members and alternate members to the commodity committees under §§ 917.21 through 917.23 or as changed pursuant to § 917.35(g).

3. § 917.16 *Designation of Control Committee* is revised by deleting the word "grower" in the first sentence and substituting therefor the words "commodity committee members." After such revision § 917.16 reads as follows:

§ 917.16 Designation of Control Committee.

A Control Committee is hereby established consisting of 12 shipper members and 13 commodity committee members, and the members shall be selected in accordance with the provisions of § 917.17 through § 917.19. The members shall be selected annually for a term ending on the last day of February, and said members shall serve until their respective successors are selected and have qualified.

4. Section 917.17 *Nomination of shipper members of the Control Committee* is revised by deleting paragraphs (a) and (b), adding a new paragraph (a), and redesignating paragraph (c) as paragraph (b). As revised, § 917.17 reads as follows:

§ 917.17 Nomination of shipper members of the Control Committee.

Nominations for the 12 members of the Control Committee to represent shippers shall be made in the following manner:

(a) By February 1 of each year the Control Committee shall announce a time and place for a meeting of all shippers of fruit and shall conduct the election of nominees at such meeting. At said election meeting, the shippers present shall select a nominee for each of the shipper member positions on the Control Committee. Each shipper shall cast only one vote.

(b) No shipper shall be entitled to participate in the nomination of members of the Control Committee, or be eligible for membership on such committee, if such shipper has failed to pay the assessments, due to be paid by him pursuant to the provisions of § 917.37.

5. Section 917.18 *Nomination of grower members of the Control Com-* substituting a new paragraph;

(1) Revising the title thereof;
(2) Deleting the first paragraph and substituting a new paragraph:
(3) Deleting the words "to represent growers" in the second sentence of paragraph (a);
(4) Deleting the phrase "who produced fruit during the previous season, and" in the first sentence of paragraph (b); and
(5) Deleting the second sentence in paragraph (b). As amended, § 917.18 reads as follows:

§ 917.18 Nomination of commodity committee members of the Control Committee.

Nominations for the 13 members of the Control Committee to represent the commodity committees shall be made in the following manner:

(a) A nomination for one member shall be made by each commodity committee selected pursuant to § 917.25. Nominations for the remaining members shall be made by the respective commodity committees as provided in this section. The number of remaining members which each respective commodity committee shall be entitled to nominate shall be based upon the proportion that the previous three fiscal periods' shipments of the respective fruit is of the total shipments of all fruit to which this part is applicable during such periods. In the event provisions of this part are terminated as to any one fruit, nominations of members to the Control Committee shall be composed of representatives of the remaining two fruits. The apportionment shall be determined as aforesaid. In the event provisions of this part are terminated as to any two fruits, the members of the commodity committee of the remaining fruit shall have all of the powers, duties, and functions given to the Control Committee under this part and sections of this part pertaining to the designation of the Control Committee shall be terminated.

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who is a member or alternate member of the commodity committee which nominates him. Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

6. Section 917.19 *Selection of members of the Control Committee* is revised by deleting the word "grower" in the second sentence and substituting the words "commodity committee." As revised, § 917.19 reads as follows:

§ 917.19 Selection of members of the Control Committee.

From the nominations made pursuant to § 917.17, or from other persons, the Secretary shall select the shipper members of the Control Committee. From the nominations made pursuant to § 917.18, or from other persons, the Secretary shall select the commodity committee members of the Control Committee. Any person selected as member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the appointment.

7. Section 917.20 *Designation of members of commodity committees* is revised by deleting the first sentence and substituting the following. As revised, § 917.20 reads as follows:

§ 917.20 Designation of commodity committees.

There are hereby established a Pear Commodity Committee and a Peach Commodity Committee each consisting of 13 members and a Plum Commodity Committee consisting of 12 members. Each commodity committee may be increased by one public member nominated by the respective commodity committee and selected by the Secretary. The members of each said committees shall be selected biennially for a term ending on the last day of February of odd-numbered years, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

8. Section 917.21 *Nomination of Pear Commodity Committee Members* is revised by amending paragraphs (b) and (f) thereof and adding a new paragraph (g). As revised, paragraphs (b), (f), and (g) of § 917.21 read as follows:

§ 917.21 Nomination of Pear Commodity Committee members.

(b) Sacramento River District, Stockton District, Stanislaus District, Contra Costa District, Santa Clara District, and Solano District four nominees.

* * * * *

(f) El Dorado District one nominee.

(g) All of the production area not included in paragraphs (a) through (f) of this section one nominee.

§ 917.22 [Amended]

* * * * *

9. Section 917.22 *Nomination of Peach Commodity Committee members* is amended by deleting paragraph (b).

(10) Section 917.23 *Nomination of Plum Commodity Committee members* is revised to read as follows:

§ 917.23 Nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representation areas as follows:

(a) Kern District, Tehachapi District, South Coast District, and Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District six nominees.

(d) Placer-Colfax District one nominee.

(e) North Sacramento Valley District and Central Sacramento Valley District one nominee.

(f) All of the production area not included in paragraphs (a) through (e) of this section one nominee.

11. Paragraph (a) of § 917.24 *Procedure for nominating members of various commodity committees* is revised by deleting from the first sentence the word "year" and substituting "odd-numbered year." As revised, paragraph (a) reads as follows:

§ 917.24 Procedure for nominating members of various commodity committees.

(a) The Control Committee shall hold or cause to be held not later than February 15 of each odd-numbered year a meeting or meetings of the growers of the fruits in each representation area set forth in §§ 917.21, 917.22, and 917.23 for the purpose of designating nominees of the commodity committees. These meetings shall be supervised by the Control Committee, which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

* * * * *

12. Paragraph (b) of § 917.29 *Organization of committees* is revised to read as follows:

§ 917.29 Organization of committees.

* * * * *

(b) A quorum of the Pear Commodity Committee and of the Peach Commodity Committee shall each consist of nine members and a quorum of the Plum Commodity Committee shall consist of eight members.

* * * * *

§ 917.34 [Amended]

13. Section 914.34 *Duties of Control Committee* is revised as follows:

(1) Paragraph (e) is revised to read as follows:

(e) To develop and provide the commodity committees data on shared expenses to facilitate equitable apportionment of such expenses in the development of budgets.

(2) Paragraph (g) is revised to read as follows:

(g) With the approval of the Secretary estalbish procedures for the selection and appointment of a public member and alternate to each of the commodity committees.

(3) Paragraph (i) is deleted; and

(4) Paragraphs (j), (k), and (l) are redesignated as (i), (j), and (k), respectively.

14. Section 915.35 is amended by revising paragraph (a), and by adding paragraphs (f) and (g) to read as follows:

§ 917.35 Powers and duties of each commodity committee.

* * * * *

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Peach and

Pear Commodity Committees shall each approve actions under § 917.39 and make said recommendations pursuant t o § 917.40 through § 917.43 only upon the affirmative vote of not less than nine members of each said committee: *Provided further*, That the Plum Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pusruant to § 917.40 through § 917.43 only upon the affirmative vote of not less than eight members of said committee.

* * * * *

(f) To submit as soon as practicable after the beginning of each fiscal year to the Secretary, for his approval, a budget of its expenses for such fiscal period, including its proportional share of the expenses of the Control Committee and an explanation of the items therein, and a recommendation as to the rate of assessment for the respective fruit for which the commodity committee was established.

(g) With the approval of the Secretary, to redefine the Districts into which the State of California has been divided under § 917.14 or change the representation of any representation area affecting the respective commodity committee: *Provided, however*, That if any such changes are made, representation on any such committee from the various representation areas shall be based, so far as practicable, upon the proportionate quantity of the respective fruit shipped from the respective representation area during the preceding three fiscal periods: *Provided further*, That the commodity committees shall follow the principle, so far as practicable, of assigning a member position on the commodity committees to any representation area from which five percent of regulated shipments have originated during such periods.

15. Section 917.36 *Expenses* is revised to read as follows:

§ 917.36 Expenses.

Each commodity committee is authorized to incur such expenses as the Secretary finds are reasonable and are likely to be incurred by the said commodity committee during each fiscal period for the maintenance and functioning of such committee, including its proportionate share of the expenses of the Control Committee; and for such research and service activities relating to handling of the fruit for which the commodity committee was established as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 917.37.

16. Paragraphs (a) and (c) of § 917.37 *Assessments* are revised by amending the first sentence of each paragraph. After such revision paragraphs (a) and (c) read as follows:

§ 917.37 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred by the commodity committees during a fiscal period, each handler shall pay to the Control Committee, upon demand, assessments on all fruit handled by him. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

* * * * *

(c) In order to provide funds to carry out the functions of the commodity committee prior to commencement of shipments in any season, shippers may make advance payments of assessments, which advance payments shall be credited to such shippers and the assessments of such shippers shall be adjusted so that such assessments are based on the quantity of fruit shipped by such shippers during such season. Any shipper who ships fruit for the account of a grower may deduct, from the account of sale covering such shipment or shipments, the amount of assessments levied on said fruit shipped for the account of such grower.

17. The first sentence of § 917.38 *Accounting* is revised by deleting the words "the Control Committee" and substituting therefor the words "each commodity committee." After such revision the first sentence to the colon of § 917.38 reads as follows:

§ 917.38 Accounting.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each commodity committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: * * *

18. Section 917.39 *Market research and development* is revised to read as follows:

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fruit. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

19. Paragraph (a) of § 917.43 *Special purpose shipments* is revised by deleting "917.44" from the first sentence. As revised, paragraph (a) of § 917.43 reads as follows:

§ 917.43 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 917.37, 917.41, and 917.42, and the regulations issued thereunder, handle fruit (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

* * * * *

§ 917.44 [Removed]

20. Section 917.44 *Exemptions* is deleted.

Signed at Washington, D.C., on February 18, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-5085 Filed 2-20-76;8:45 am]

[7 CFR Part 989]

[Docket No. AO-198-A 8]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

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

Notice is hereby given of a public hearing to be held March 9, 1976, in Courtroom No. 2, 5th Floor, Federal Building, 1130 "O" Street, Fresno, California, beginning at 9:00 a.m., local time, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended, regulating the handling of raisins produced from grapes grown in California.

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

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

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

PROPOSED BY THE RAISIN ADMINISTRATIVE COMMITTEE

PROPOSAL NO. 1

Abolish the Raisin Advisory Board and the Raisin Administrative Committee as they are now established under the order. In lieu of these bodies, establish a new Raisin Administrative Committee or Committees.

PROPOSAL NO. 2

Revise § 989.21 to read as follows:

§ 989.21 Crop year.

"Crop year" means the 12-month period beginning with August 1 of any year and ending with July 31 of the following year.

PROPOSAL NO. 3

Revise § 989.54 by revising paragraph (a), adding a new paragraph (c), and redesignating present paragraphs (c), (d), and (e), as (d), (e), and (f), respectively.

§ 989.54 **Marketing policy.**

(a) *Desirable free tonnage.* On or before August 15 of each crop year the committee shall review shipment data, inventory data and other matters relating to the quantity of raisins of any varietal type which should be made available as free tonnage for such varietal type during the crop year. Such quantity for any varietal type of raisins for which a free tonnage percentage may be designated shall be referred to as the desirable free tonnage for such varietal type, and shall be recommended by the committee to the Secretary. The desirable free tonnage recommended by the committee to the Secretary for any varietal type of raisins shall be 90 percent of the prior crop year's free tonnage shipments for that varietal type adjusted by the physical year-end inventory: *Provided,* That, in years following restricted free tonnage shipments the committee may use the free tonnage shipments of the highest of the prior three years as a base to establish its desirable free tonnage. Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from other available information, that to designate a desirable free tonnage for any varietal type of raisins for a crop year would tend to effectuate the declared policy of the Act, he shall designate such desirable free tonnage.

* * * * *

(c) *Reserve offer to hadlers for free use.* On or before November 15 of the crop year or, if a field price has not been established for free tonnage, not more than 15 days following the establishment of the field price, the committee shall offer a tonnage of reserve pool raisins equal to 10 percent of the prior year's shipments of free tonnage to equate the current year's supply with the prior year's shipments, with such offer being made on the basis of handlers' prior years acquisitions. Simultaneously therewith the committee shall offer reserve raisins equal to 10 percent of the prior year's shipments for market expansion with such raisins being offered on the basis of prior year's handler shipments. Such offers shall be open to handlers not more than 5 business days with a reoffer period to handlers who purchased 100 percent of their allocation from these two offers, to remain open not more than 3 days and handlers' allocations to be based on purchases from the two offers with any remaining tonnage at the end of the reoffer period on a first come, first served basis to handlers purchasing 100 percent of their allocation from the reoffer. The price of such raisins shall be the established field price plus estimated RAC costs plus $20 per sweatbox ton.

* * * * *

PROPOSAL NO. 4

Revise § 989.67 by: Revising paragraph (a); revising the first sentence of paragraph (d) (1); and revising the first sentences of paragraphs (f) and (j), as follows:

§ 989.67 **Disposal of reserve raisins.**

(a) On or before January 15 of each crop year, the committee shall consider a marketing plant for reserve pool raisins for the subsequent 12-month period. The committee shall dispose of reserve tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. Any reserve tonnage raisins held unsold by the committee on May 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export: *Provided,* That whenever the Secretary finds, based upon a recommendation of the committee, or on the basis of information otherwise available to him that because of national emergency, crop failure, an insufficient supply of reserve tonnage for export, or other major change in economic conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as sins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

* * * * *

(d) (1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. * * *

* * * * *

(f) Whenever the committee determines that the orderly disposition of reserve tonnage would be promoted by the committee replacing any portion or all of handler export shipments of free tonnage raisins, to other than free tonnage outlets, made prior to the committee's first offer to sell reserve tonnage, it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. * * *

* * * * *

(j) The committee shall not sell reserve tonnage raisins of any varietal type to handlers to provide them with raisins to sell as free tonnage other than as provided in § 989.54 unless it files with the Secretary complete information and receives from the Secretary notice that he does not disapprove of such sale and that because of: National emergency; crop failure; major change of economic conditions; free tonnage shipments during the first 10 months of the then current crop year exceeding such shipments of a comparable period of the prior crop year by more than 5 percent, *Provided,* That such sale of reserve tonnage shall be limited to the quantity of free tonnage shipments exceeding 105 percent of such shipments for the first 10 months of the prior crop year; or an inadequate carryover, the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the committee's marketing policy for that varietal type. * * *

* * * * *

PROPOSAL NO. 5

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

Copies of this notice of hearing and the order may be procured from the Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1130 "O" Street, Room 3114, Fresno, California 93721, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on February 18, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-5086 Filed 2-20-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1020]

[Docket No. 75N-0331]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

X-Ray Field Limitation and Alignment, Beam Transmission, and Exposure Reproducibility

Pursuant to the authority of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 42 U.S.C. 263b et seq.), the Commissioner of Food and Drugs proposes to amend the radiographic equipment provisions of the performance standard for diagnistic x-ray systems and their major components (21 CFR 1020.31) to: (1) Revise the x-ray field limitation and alignment requirements under § 1020.31 (d), (e), and (f) as they apply to x-ray systems used for mammography; (2) establish limits on the transmission of the x-ray beam permitted through image receptors and their supporting devices used for mammography; (3) provide for alternative means of limiting and aligning the x-ray field for certain special purpose radiographic systems; (4) modify the method of measuring exposure reproducibility; and (5) revise the specification of the maximum allowable field size for radiographic equipment designed for use with intraoral image receptors.

Interested persons may submit comments on this proposal by April 23, 1976.

In accordance with section 358(f) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), the proposal has been reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Edu-

cation, and Welfare, which must be consulted prior to the establishment or amendment of performance standards for electronic products. The Committee concurred with publication of the proposal for public comment. The proposed amendment concerning adjustment of x-ray controls during reproducibility testing has been reviewed by manufacturers, and their comments have been considered in its formulation. An explanation of the proposed action is as follows:

A. Field Limitation and Alignment for Mammographic X-Ray Systems

1. The introductory text of paragraphs (d) and (e))of § 1020.31 concerning fie'd limitation and alignment of stationary general purpose radiographic systems is changed to exclude such systems from the requirements of these paragraphs when special attachments for mammography are provided and are in service.

2. To provide for proper field limitation and alignment when general purpose x-ray systems are equipped with special attachments for mammography, § 1020.31(f) is changed to include general purpose radiographic systems when these systems are provided with special attachments for mammography and when these attachments are in service. The proposed amendments redesignate § 1020.31(f)(3) as § 1020.31(f)(4), and establish a new § 1020.31(f)(3) entitled "Systems designed for or provided with special attachments for mammography."

Section 1020.31(f)(3) currently specifies field limitation and alignment requirements for special purpose systems not covered by other provisions. This section requires, in part, that means be provided to align the center of the x-ray field with the center of the image and that the x-ray field be limited to the dimensions of the image receptor.

These requirements are not appropriate in the case of mammography in which the filmholder is placed against the rib cage of the patient and the breat extends from the edge towards the center of the image receptor and is not centered on the image receptor. The critical alignment needed is not between the x-ray field center and the image receptor center, but rather between the edge of the x-ray field and the edge of the film holder next to the patient. These edges must be aligned so that the primary beam is not permitted to extend into the chest wall. The technique frequently employed in mammography utilizes x-ray beam limiting devices to produce an x-ray field large enough to encompass the breast under examination and aligns the edge of the x-ray field with the edge of the image receptor nearest the chest of the patient. The x-ray field does not cover the entire image receptor nor is the center of the x-ray field aligned with the center of the image receptor.

Proposed new § 1020.31(f)(3) eliminates the requirement for center alignment of the x-ray field for systems designed for mammography and general purpose radiographic systems when used with specific mammographic attachments and, instead, requires that the x-ray beam not be permitted to extend beyond the edges of the image receptor at any SID.

3. The current § 1020.31(f)(3) is redesignated as § 1020.31(f)(4) and amended to specify that means may be provided to size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. The reasons for this change are outlined in paragraphs A.2. and C.

Section 1020.31(f)(3)(ii) and (iii) currently states that the requirements of § 1020.31(f)(3) may be met with removable, fixed-aperture, beam-limiting devices or beam-limiting devices having multiple fixed apertures bearing clear and permanent markings to indicate the image receptor size and SID for which they are designed.

For some types of mammographic systems, the patient-positioning technique employed involves immobilization of the breast by placement between the end of the beam-limiting device and the film holder. This technique, due to variations in breast thickness, precludes specification of a single SID for a given beam-limiting device as currently required by § 1020.31(f)(3)(ii) and (iii). As an alternative to the requirement for specifying a single SID, for those cases where the beam-limiting device and image receptor supporting device are designed to immobilize the breast during mammography, proposed § 1020.31(f)(4)(ii) and (iii) requires that each beam-limiting device have clear and permanent markings to indicate the image receptor and its supporting device for which it is designed and that each image receptor or its supporting device have clear and permanent markings to indicate the beam-limiting device with which it is designed to be used. These same requirements would also apply to beam-limiting devices having multiple fixed apertures and the image receptors and supporting devices designed for use with the multiple fixed apertures.

The proposed amendments to § 1020.31(f) concerning mammographic systems contain provisions consistent with Variance No. 74001 (issued to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203, and published in the Federal Register of May 22, 1974 (39 FR 17988)) and impose additional requirements on all mammographic x-ray systems. The proposed amendments eliminate the need for additional or renewal of variances of this type and modify the standard to embody more clearly an administrative interpretation concerning mammographic systems previously issued by the Bureau of Radiological Health.

B. X-Ray Beam Transmission Limit For Mammographic X-Ray Systems

A new paragraph (1) in § 1020.31 entitled "Transmission limit for image receptor supporting devices used for mammography" is established.

To prevent unnecessary exposure to the patient, the image receptor and its supporting device used for mammography should effectively minimize transmission of the beam through the image receptor and its supporting structure. Since the patient is frequently in a sitting position during a mammographic examination with the x-ray beam directed downward, transmission through the image receptor and its supporting structure could result in unnecessary radiation exposure to the lower body parts of the patient, particularly the ovaries.

Proposed new § 1020.31(1) limits the exposure due to transmission through the image receptor supporting device for systems designed only for mammography. At the shortest SID for which the system is designed, the exposure beyond the plane of the image receptor supporting device would be limited to not more than 0.1 milliroentgen at 5 centimeters from any accessible surface of the image receptor supporting device when the system is operated at specified technique factors selected to produce maximum exposure for a single activation of the tube. The limit of 0.1 milliroentgen is proposed with the aim of keeping unnecessary exposure to the patient as low as practicable during mammography. This limit is met, or is achievable with minor modifications, by currently manufactured mammography systems and is proposed to prevent the introduction of systems whose image receptor supporting devices provide inadequate attenuation of the primary x-ray beam. Exit exposures at the lower surface of the breast of patients undergoing mammography examinations before the beam strikes the image receptor have been shown to be on the order of hundreds of milliroentgens depending on the technique employed. In addition, exposure at the position of the umbilicus with the image receptor and supporting device in place has been measured to be on the order of 50 milliroentgens for a complete mammographic examination when minimal shielding was employed with the image receptor, indicating the desirability of additional shielding in the image receptor supporting device to reduce the unnecessary exposure.

C. Field Limitation and Alignment for X-Ray Systems Designed for One Image Receptor Size

Section 1020.31(f)(2) is amended to provide an alternative to the requirement for alignment of the center of the x-ray field with the center of the image receptor for x-ray systems designed for one image receptor size. The proposed amendment permits, in addition to the current requirement of § 1020.31(f)(2), means to be provided to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

Section 1020.31(f)(2) currently requires that, for x-ray systems designed for one image receptor size at a fixed

SID, means be provided to limit the x-ray field to dimensions no greater than those of the image receptor and to align the center of the x-ray field with the center of the image receptor. The intent of this section is to provide an x-ray field of appropriate size and to enable the operator to align the x-ray field with the object to be radiographed and the image receptor. This provision of the standard is based upon the observation that in the usual medical practice the object to be radiographed will be centered on the image receptor.

However, as illustrated by requests for variances from the standard, and by the preceding discussion of mammographic procedures, it is not always possible nor desirable to align the object to be radiographed with the center of the image receptor. In such cases, alignment of the x-ray field with an alternate reference position is appropriate and will provide equivalent radiation protection.

D. Reproducibility Testing

Two changes are proposed in § 1020.31 (b)(2) which describes the method for determining compliance with the requirements of the standard for radiographic exposure reproducibility. The requirement for exposure reproducibility is given in § 1020.31(b)(1) which states that, for any specific combination of technique factors selected, the estimated coefficient of variation of radiation exposure shall be no greater than 0.05. The test method is changed by the proposed amendment as follows:

1. Paragraph (b)(2) of § 1020.31 specifies that 10 consecutive measurements of exposure must be made within a time period of 1 hour. This paragraph is revised to also require that, during testing for exposure reproducibility, all variable x-ray controls must be adjusted to alternate technique-factor settings and reset to the original settings between each exposure.

The purpose of the requirements of the standard regarding exposure reproducibility is to enable the user of radiographic equipment to establish optimum and reliable technique factors and thereby minimize the need for retakes. This purpose cannot be achieved if the requirements cannot be met when the x-ray controls are moved to alternate settings of techniques factors, and subsequently returned to the original settings. Reproducibility data were requested from manufacturers during the studies leading to the establishment of the reproducibility requirement. The testing procedure under which these data were gathered specified that the technique factors be set to alternate settings between measurements. The limit on the coefficient of variation was established after study of the data submitted by manufacturers and data obtained by the Bureau of Radiological Health based on this method of testing.

In their written comments regarding this proposal, manufacturers stated that the revised test method posed no difficulty for x-ray controls which have discrete, indexed technique factor settings. However, when the x-ray control provides the capability for stepless or continuous adjustment of technique factors, the accuracy with which the controls can be reset is dependent not only on their sensitivity, but on the judgment of the operator and on errors associated with parallax in reading dials or meters. For this reason, some manufacturers requested that the coefficient of variation of the exposure permitted under these test conditions be increased to 0.10 or that the effective date of this amendment be 2 years after its date of publication in the Federal Register.

The Commissioner concludes that the current tolerance with respect to the coefficient of variation of radiation exposures is necessary to ensure that radiographic systems are capable of adequate exposure reproducibility. The Commissioner acknowledges that the revision of the test method proposes a more stringent test than currently used by some manufacturers; however, he has determined that adequate evidence has not been submitted to justify an effective date in excess of 1 year following publication of a final regulation. Therefore, an effective date of 1 year following a final regulation publication in the Federal Register is proposed for the requirement that x-ray exposure controls be set to alternate settings between exposures.

2. The type of attenuation block required in § 1020.31(b)(2) for reproducibility testing is modified by the proposed amendments. Paragraph (b)(2) of § 1020.31 currently requires that an attenuation block be placed in the primary beam during exposure reproducibility testing when automatic exposure controls are provided. The attenuation block is defined in § 1020.30(b)(4) as a plate of aluminum 3.8 centimeters thick. This block was designed to simulate the approximate attenuation which would be provided by the body of a patient during general purpose radiography. The intent of the test condition is to perform the reproducibility measurements at exposure times consistent with the minimum exposure time required for the normal use of the equipment. The aluminum attenuation block specified performs satisfactorily for the typical technique factors used in radiography of the main body parts. This amount of attenuation, however, is excessive for the testing of low-kilovoltage equipment such as that used for mammography. The specified attenuation block is also too thick for the testing of general purpose equipment operated at low kilovoltage. In these cases, the radiation transmitted through the attenuation block to the automatic exposure control is so low that the exposure time becomes excessive and in some cases the required backup timer (21 CFR 1020.31(a)(3)) terminates the exposure before the automatic exposure control receives the desired exposure. The wording of § 1020.31(b)(2) is changed to generalize this test by permitting the use of an amount and type of attenuating material which is consistent with the normal use of the equipment being tested. This change will not alter the basic concept and substance of the test, nor will it alter the reproducibility requirement as it is stated in the standard.

E. Field Limitation for Equipment Used With Intraoral Image Receptors

Section 1020.31(f)(1) is amended to change the field size diameters specified in paragraph (f)(1)(i) and (ii) from 7 centimeters and 6 centimeters to 7.0 centimeters and 6.0 centimeters, respectively, so that this requirement would be stated with two significant figures to prevent round-off of numerical values from introducing a field size greater than originally intended by the standard.

Section 1020.31(f)(1) currently requires filed sizes for dental x-ray equipment used with intraoral image receptors to have maximum diameters of 7 centimeters or 6 centimeters depending on whether the minimum source-to-skin distance (SSD) is equal to or greater than 18 centimeters or is less than 18 centimeters. These were intended to be specifications of maximum field size for this type of equipment. However, in the premable to the final order establishing the diagnostic x-ray equipment standard published in the Federal Register of August 15, 1972 (37 FR 16461), a response was made to a comment concerning the precision of the numerical requirements in which it was stated that normal round-off procedures could be employed in determining compliance with numerical requirements. Using these criteria, the maximum allowable x-ray field sizes for use with intraoral image receptors would have diameters of 7.5 centimeters when the minimum SSD is 18 centimeters or more, and 6.5 centimeters when the minimum SSD is less than 18 centimeters. This interpretation is not consistent with the intent of the standard nor the current practice of manufacturers of dental x-ray equipment. The proposed amendments correct this situation by changing the field size limits to 7.0 and 6.0, respectively. This correction precludes future manufacture of dental x-ray systems which could increase the exposure to the patient by as much as 15 percent due to the increased x-ray field size.

F. Proposed Effective Dates

Section 358(c) of the act provides that a standard shall become effective not sooner than 1 year after date of publication unless the Secretary finds, for good cause shown, that an earlier effective date is in the public interest.

The Commissioner concludes that, except for the amendment establishing a transmission limit for image receptor supporting devices used in mammography described in paragraph B and the amendment described in paragraph D.1. concerning exposure controls during reproducibility testing, these amendments should be made applicable to products manufactured on or after a date which

is 60 days following the date of publication of the final regulation in the FEDERAL REGISTER. Such an early effective date is in the public interest as the proposed amendments would, for mammographic and certain special purpose equipment, permit the continued availability of this equipment of the desired design, and are, for dental x-ray equipment, in agreement with current manufacturing practice. The amendment establishing a transmission limit for image receptor supporting devices used in mammography described in paragraph B and the amendment described in paragraph D.1. concerning exposure controls would be applicable to products manufactured 1 year following publication of the final regulation.

The Commissioner has carefully considered the environmental effects of the proposed amendments and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed amendments and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville MD 20852.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 1020.31 be amended by revising paragraph (b)(2), the introductory text of (d) end (e), and paragraph (f) and by adding a new paragraph (1) to read as follows:

§ 1020.31 Radiographic equipment.

* * * * *

(b) * * *

(2) *Measuring compliance.* Determination of compliance shall be based on 10 consecutive measurements taken within a time period of 1 hour. Equipment manufactured after (1 year after the date of publication of the final regulation in the FEDERAL REGISTER) shall be subject to the additional requirement that all variable controls for technique factors shall be adjusted to alternate settings and reset to the test setting after each measurement. The percent line-voltage regulation shall be determined for each measurement. All values for percent line-voltage regulation shall be within ±1 of the mean value for all measurements. For equipment having automatic exposure controls, compliance shall be determined with a sufficient thickness of attenuating material in the useful beam such that the technique factors can be adjusted to provide individual exposures of a minimum of 12 pulses on field emission equipment rated for pulsed operation or no less than one-tenth second per exposure on all other equipment.

* * * * *

(d) *Field limitation and alignment for mobile and stationary general purpose x-ray systems.* Except when spot-film devices or special attachments for mammography are in service, mobile and stationary general purpose radiographic x-ray systems shall meet the following requirements:

* * * * *

(e) *Field limitation and alignment on stationary general purpose x-ray equipment.* Except when spot-film devices or special attachments for mammography are in service, stationary general purpose x-ray systems shall meet the following requirements in addition to those prescribed in paragraph (d) of this section:

* * * * *

(f) *Field limitation for certain special purpose radiographic x-ray equipment*—(1) *Equipment for use with intraoral image receptors.* Radiographic equipment designed for use with an intraoral image receptor shall be provided with means to limit the x-ray beam such that:

(i) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the x-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7.0 centimeters; and

(ii) If the minimum SSD is less than 18 centimeters, the x-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 6.0 centimeters.

(2) *X-ray systems designed for one image receptor size.* Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID, or shall be provided with means to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

(3) *Systems designed for or provided with special attachments for mammography.* Radiographic systems designed only for mammography and general purpose radiographic systems when special attachments for mammography are in service shall be provided with means to limit the useful beam such that the x-ray field does not extend beyond any edge of the image receptor at any designated SID. This requirement can be met with a system which performs as prescribed in paragraphs (f)(4) (i), (ii), and (iii) of this section.

(4) *Other x-ray systems.* Radiographic systems not specifically covered in paragraphs (d), (e), (f) (2) and (3), and (g) of this section and systems covered in paragraph (f)(1) of this section which are designed for use with extraoral as well as intraoral image receptors shall be provided with means to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID, when the axis of the x-ray beam is perpendicular to the plane of the image receptor. In addition, means shall be provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID, or means shall be provided to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. These requirements may be met with:

(i) A system which performs in accordance with paragraphs (d) and (e)(1) of this section; or, when alignment means are also provided, may be met with either:

(ii) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed. When the beam-limiting devices and image receptor supporting devices are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, each beam-limiting device shall have clear and permanent markings to designate the image receptor and supporting device for which it is designed, and each image receptor or its supporting device shall have clear and permanent markings to designate the beam limiting device with which it is designed to be used; or

(iii) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use. When the beam-limiting device and image receptor supporting device are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, the aperture shall have clear and permanent markings to designate the image receptor and supporting device for which it is designed, and each image receptor or its supporting device shall have clear and permanent markings to designate the aperture for which it is designed. Means shall also be provided to indicate clearly which aperture is in position for use.

* * * * *

(1) *Transmission limit for image receptor supporting devices used for mammography.* Systems manufactured after (1 year after the date of publication of the final regulation in the FEDERAL REGISTER) and designed for mammography shall be provided with means to support

the image receptor which limit the transmission of the primary beam such that the exposure 5 centimeters from any accessible surface beyond the plane of the image receptor supporting device does not exceed 0.1 milliroentgen for each activation of the tube. Exposure shall be measured with the system operated at the minimum SID for which it is designed. Compliance shall be determined at the maximum rated peak tube potential and at the maximum rated product of tube current and exposure time (mAs) for that peak tube potential. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

Interested persons may, on or before April 23, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

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: February 17, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4981 Filed 2-18-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 151]

[CGD 75-039]

VISUAL IDENTIFICATION OF CERTAIN TANK BARGES

Notice of Proposed Rulemaking

Correction

In FR Doc. 76-3434 appearing on page 5291 in the issue for Thursday, February 5, 1976, make the following changes:

1. In the middle column, the third complete paragraph, the sixth line, the word "on" should read "of".

2. In § 32.05-20(d), the word "in" should read "to".

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-CE-6-AD]

AIRWORTHINESS DIRECTIVES

Cessna 210 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Cessna 210 series airplanes. There have been incidents involving these airplanes in which one main landing gear could not be extended and locked. Landing in this condition can result in extensive damage to the airplane structure and expose the occupants to unnecessary risks. Investigation of service reports and failed parts indicates that these failures are progressive in nature and are caused by loads imposed on the main landing gear during landing and taxiing operations. Accordingly, since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being proposed, applicable to Cessna 210 series airplanes, which will require the replacement and inspection of the main landing gear saddles in accordance with Cessna Service Letter SE75-26.

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 24, 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.

CESSNA. Applies to Models 210 thru 210J (Serial Numbers 57001 thru 57575, 21057576 thru 21059199) and Models T210F thru T210J (Serial Numbers T210-0001 thru T210-0454) airplanes.

Compliance: Required as indicated, unless already accomplished.

To decrease the possibility of main landing gear extension failures, accomplish the following:

(A) On Model 210 and 210A (Serial Numbers 21057001 thru 21057840) airplanes, within the next 100 hours' time in service after the effective date of this AD for those airplanes with over 1,000 hours' time in service, or upon the accumulation of 1,000 hours' time in service, and thereafter at each 1,000 hours' time in service, replace the P/Ns 1241004-1 and 1241004-2 main landing gear saddles in accordance with Cessna Service Letter SE75-26 dated December 5, 1975, or later approved revisions.

(B) On Models 210B thru 210G (Serial Numbers 21057841 thru 21058936) and T210F and T210G (Serial Numbers T210-0001 thru T210-0307) airplanes, within the next 100 hours' time in service after the effective date of this AD for those airplanes with over 1,000 hours' time in service or upon accumulation of 1,000 hours' time in service, replace the PN/ 1241423-1 and 1241423-2 main landing gear saddles with improved saddles of the same part number in accordance with Cessna Service Letter SE75-26 dated December 5, 1975, or later approved revisions.

NOTE.—The improved main landing gear saddle is identified in Figure 1 accompanying this AD.

(C) On those airplanes having improved main landing gear saddles installed per Paragraph B and on Models 210H and 210J (Serial Numbers 21058937 thru 21059199) and Models T210H and T210J (Serial Numbers T210-0308 thru T210-0454) airplanes, within the next 100 hours' time in service after the effective date of this AD, for airplanes with over 1,200 hours' time in service or upon accumulation of 1,200 hours' time in service, and at each annual inspection thereafter, inspect the P/N 1241423-1 and 1241423-2 main landing gear saddles in accordance with dye penetrant or magnaflux inspection procedures for cracks with particular attention given to the area shown in Figure 1 accompanying this AD. Replace any saddles showing evidence of cracks.

(D) On those airplanes on which main landing gear saddles have been replaced, base the compliance time for Paragraphs A, B, and C on the new saddle's time in service rather than the airplane time in service.

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

Issued in Kansas City, Missouri, on February 9, 1976.

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

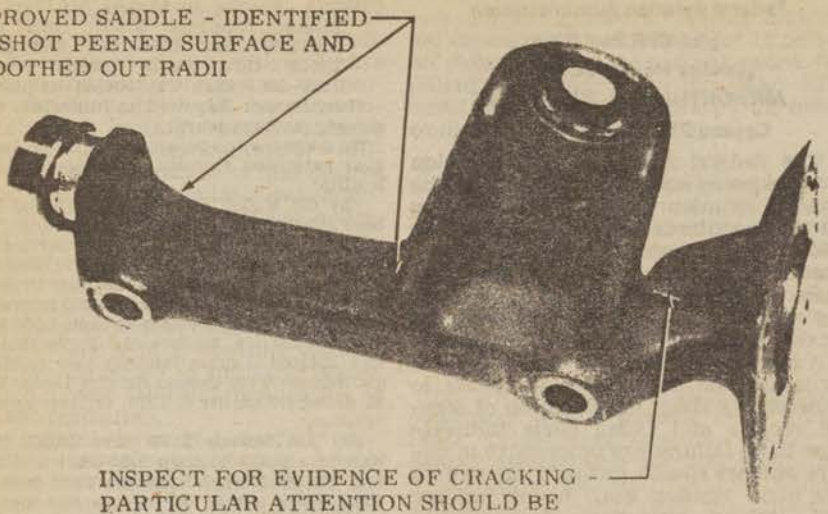

Figure 1. Main Landing Gear Saddle.

[FR Doc.76-4950 Filed 2-20-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-10]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Fort Stewart control zone described in § 71.171 (41 FR 355) would be amended to read as follows:

Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'-45" W.); within 3 miles each side of the Wright TVOR 059° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR.

The Fort Stewart transition area described in § 71.181 (41 F.R. 440) would be amended to read as follows:

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (latitude 31°-53'20" N., longitude 81°33'45" W.)

The Fort Stewart control zone is described in § 71.171 (41 F.R. 355) and the transition area is described in § 71.181 (41 F.R. 440). In the descriptions there are extensions which were designated to provide controlled airspace for instrument approach procedures to Wright AAF Runway 5. Due to recent construction on the airfield, it has been necessary to cancel the instrument approach procedures to Runway 5 and to establish procedures to Runway 23. This proposed alteration will revoke the present control zone and transition area extensions and designate a control zone extension for Runway 23.

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 of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 9, 1976.

PHILLIP M. SWATEK,
Director.

[FR Doc.76-4949 Filed 2-20-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 492-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New Jersey State Implementation Plan

On May 31, 1972 the Administrator of the Environmental Protection Agency published an approval/disapproval notice regarding the New Jersey State Implementation Plan. Approved and incorporated as part of the implementation plan was N.J.A.C. 7:27-2.1 et. seq., Control and Prohibition of Open Burning. This regulation provided for the prohibition and control of open burning throughout the State of New Jersey.

The State of New Jersey on November 19, 1975 submitted a proposed revision to N.J.A.C. 7:27-2.1 et. seq., which would allow the open burning of herbaceous plant life and orchard prunings under certain specified conditions. The New Jersey Department of Environmental Protection will issue permits for the open burning of herbaceous plant life and orchard prunings where no municipal codes are violated and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources. In addition, the permits will be issued only in accordance with plans approved and under the control and supervision of the Bureau of Forestry, Forest Fire Service and the permits will be conditioned upon the confirmation of favorable meteorological conditions on the day that the open burning will be conducted. The issuance of permits for the open burning of orchard prunings under specified conditions is scheduled for implementation only until June 30, 1977 in order to allow time for the development of alternative procedures for the use or disposal of these materials.

The New Jersey State Department of Agriculture estimates that there will be 4,500 acres upon which the open burning will occur. Most of the acreage is in the counties of Cape May, Cumberland, Salem, Gloucester, Camden, Atlantic and Burlington with the balance of the acreage being in Ocean, Monmouth, Mercer and Warren Counties.

The material submitted in support of the proposed plan revision includes the following:

1. A notice of a public hearing which was held on July 10, 1975.

2. A copy of the amended regulation N.J.A.C. 7:27-2 et seq., Control and Prohibition of Open Burning.

3. A certification that a public hearing was held on the amended regulation on July 10, 1975.

4. An analysis of the anticipated effect of the proposed revision on ambient air quality within the State of New Jersey.

The analysis submitted by the State shows that for particulate matter, the maximum expected annual increment would be 0.3 ug/m ^{3} and the maximum ex-

pected 24-hour increment would be 9 ug/m.³ When these increments are added to the existing air quality concentrations in the areas where open burning will occur, the State shows that there will be no violations of any ambient air quality standard for particulate matter. It conservatively was assumed in order to estimate the worst case situation that all of the open burning would occur in the counties of Salem, Gloucester, Mercer, Camden and Burlington.

The Regional Office's initial analysis of the proposed revision finds that the predictions of expected ambient air quality concentrations for particulate matter are accurate in that the predictions represent the results of a worst case analysis which is based on conservative assumptions.

In reviewing other aspects of the control strategy analysis, it was noted that the burning of herbaceous plant life and orchard prunings would result in the emission of approximately 600 tons per year of hydrocarbons. The counties of Mercer, Burlington, Camden, Salem and Gloucester are part of the Metropolitan Philadelphia Interstate AQCR which has in effect an implementation plan for the control of photochemical oxidants. In response to a question from Region II regarding the effect of potential additional emissions of hydrocarbons in such areas, New Jersey, on January 16, 1976, informed the Regional Office that the hydrocarbon emissions which would result from open burning would be less than those which would occur if the vegetation were to decompose naturally.

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

Copies of the proposed plan revision are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey State Department of Environmental Protection, Bureau of Air Pollution Control, John Fitch Plaza, Trenton, New Jersey 08625. Additional copies are available at the Public Information Research Unit, EPA, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: February 12, 1976.

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

[FR Doc.76-5090 Filed 2-20-76;8:45 am]

[40 CFR Parts 124, 125]

[FRL 491-8]

AGRICULTURAL ACTIVITIES

National Pollutant Discharge Elimination System

On July 5, 1973, the Environmental Protection Agency (EPA) published amendments to 40 CFR Part 125, the regulations establishing policies and procedures for the issuance of National Pollutant Discharge Elimination System (NPDES) permits by the Federal government (38 FR 18000). These amendments excluded discharges from small concentrated animal feeding operations as well as discharges resulting from certain agricultural and silvicultural activities from the requirement of applying for and obtaining a permit. On that date EPA also amended 40 CFR Part 124, Guidelines for State Program Elements Necessary for Participation in the NPDES, by adding a new § 124.11. This section authorized States participating in the NPDES to make the same exclusions from the permit requirement as provided for in the amended Part 125 regulations. Uncontrolled, uncontaminated storm runoff discharges from separate storm sewers were also excluded from the NPDES program [see 40 CFR 124.11(f), 125.4(f) (1975)].

However, the EPA Regional Administrator or the Director of a State water pollution control agency could override the exclusions by identifying individual sources as significant contributors of pollution and requiring such sources to apply for and comply with NPDES permits. 40 CFR 124.11(h)(5), 125.4(j)(5) (1975). (For a more detailed statement of the history of these regulations, see 40 FR 54182, November 20, 1975.)

The Natural Resources Defense Council (NRDC) challenged this exercise of the Administrator's discretion in a lawsuit filed in the Federal District Court for the District of Columbia. The District Court ruled in favor of NRDC [*NRDC v. Train*, 396 F. Supp. 1393, 7 ERC 1881 (D.D.C. 1975)] and on June 10, 1975, issued a final order requiring EPA to propose and promulgate regulations "extending the NPDES permit system to include all point sources" in the concentrated animal feeding operation, separate storm sewer, agriculture and silviculture categories. Although EPA is proceeding with the appeal of this decision, the Agency is still required to comply with the court order. Thus under the terms of the order EPA proposed regulations for concentrated animal feeding operations on November 20, 1975 (40 FR 54182), and regulations for separate storm sewers on December 5, 1975 (40 FR 56932). Final regulations for these two categories are required to be published in the FEDERAL REGISTER by March 10, 1976. Similarly, regulations applying the NPDES permit program to point source discharges in the agriculture and silviculture categories are required to be proposed by February 10, 1976, and promulgated by June 10, 1976.

As part of the effort to carry out the requirements of the court order, EPA solicited and received information, statistics and advice from other Federal agencies, State and local officials, trade associations, agricultural, silvicultural and evironmental groups and interested members of the public. Public meetings were held across the country; those in Denver, Portland (Oregon), Indianapolis, and Atlanta specifically considered the agriculture and silviculture categories. At each of these meetings, persons representing both potential permittees and permit issuing agencies voiced significant opposition to the development of an expanded permit system within the NPDES program as it has been administered to date. In general, most participants strongly recommended that EPA develop factors to distinguish point sources from nonpoint sources, and suggested specific criteria to designate most discharges from agricultural activities as nonpoint in nature and thus not subject to the permit program.

Taking these comments, as well as the legislative history, the statutory language, the *NRDC v. Train* decision, and the technical data available on agricultural activities into consideration, the Agency has carefully examined the relationship between the NPDES permit program (which is designed to control and eliminate discharges of pollutants from discrete point sources) and water pollution from agricultural activities (which tends to result from precipitation events causing uncontrolled diffuse runoff). In response to these considerations, EPA today proposes the following program for agricultural activities.

PROPOSED REGULATIONS FOR AGRICULTURAL ACTIVITIES

SUMMARY OF REGULATIONS

Water pollution from most agricultural activities is considered nonpoint in nature and thus not subject to any permit requirements. However, discharges of pollutants into navigable waters through discrete conveyances, which result from the controlled application of water are considered agricultural activity point sources. This definition applies primarily to irrigation return flow ditches. Although these ditches are considered point sources, in most cases there are no conventional permit requirements at this time. Because of the lack of pollution control technology, discharges of agricultural wastes from agricultural activity point sources are proposed to be permitted by general permit(s). The procedures for issuance of the general permit(s), including notice and opportunity for a hearing, will be proposed simultaneously with the promulgation of these regulations. Unless required by the Director of a State water pollution control agency or by the EPA Regional Administrator under special circumstances, no owners or operators of agricultural point sources are required to apply for or obtain individual pollution discharge permits. It is expected that the Director or

Regional Administrator will impose individual permit requirements on owners and operators only in exceptional cases.

CONTENTS OF REGULATIONS

a. The provisions excluding agricultural point source discharges from the NPDES permit program are eliminated from §§ 124.11 and 125.4 of Title 40 of the Code of Federal Regulations.

b. Comments concerning provisions for the issuance of a general permit(s) for discharges from agricultural activities are found in an amended Subpart I of Part 124 and a new Subpart F of Part 125, both Subparts entitled "Special Programs."

c. New sections, §§ 124.84 and 125.53, Agricultural Activities, are added. These sections would set forth a basic distinction between water pollution from point sources and water pollution from nonpoint sources in the agriculture category. Agricultural activities, particularly irrigation, which result in surface discharges:

1. Which contain pollutants; and

2. Which result from the controlled application of water by any person, and which are not caused or initiated solely by natural processes such as precipitation; and

3. Which are discharged from a discernible, confined and discrete conveyance; and

4. Which are directly discharged into navigable waters; are subject to regulation under section 402, the NPDES permit program. (See also 33 CFR 209.120 which describes the section 404 permit program administered by the U.S. Army Corps of Engineers to regulate those agricultural activities involving the discharge of dredged or fill material into navigable waters.)

Once an agricultural activity is defined as a point source according to these criteria, it may discharge in accordance with the general permit(s) to be issued under procedures which will be proposed simultaneously with the promulgation of these regulations. This general permit(s) will be subject to the condition, however, that the Director of a State pollution control agency or an EPA Regional Administrator may require owners or operators of irrigation return flow point sources to apply for and obtain an individual permit. Permits required by the Director or Regional Administrator could be issued with monitoring and reporting requirements.

INTENT OF REGULATIONS

The intent of the regulations is to exclude from the NPDES permit program all natural runoff from agricultural land which results from precipitation events. Because most water pollution related to agricultural activities is caused by runoff resulting from precipitation events and is nonpoint in nature, it is not and should not be subject to the NPDES permit program as it has been administered to date. (The fact that weather may be modified to a limited extent by man's efforts, such as cloud seeding, does not alter the nonpoint nature of water pollution resulting from precipitation events.)

Nonpoint sources tend to be characterized by three elements. First, the pollutants are conveyed by water the source of which is uncontrolled by any person; that is, the water pollution results from precipitation, natural flooding or snowmelt. Second, the pollution itself is not traceable to a discrete, identifiable source such as a facility or industrial process. The fact that this runoff may be channelled into a ditch or drain before entering navigable waters does not, in and of itself, make natural surface runoff a discharge from a point source. Third, the control of nonpoint source water pollution is generally best achieved by planning and management techniques rather than by end-of-pipe treatment to remove pollutants. End-of-pipe treatment, designed to meet specified effluent limitations, is often inappropriate for pollution control for nonpoint sources. Instead, planning and management techniques control and abate the nonpoint pollution before it is created and thus effectively limit and prevent pollutants from reaching navigable waters.

For example, a newly plowed and planted field is most often patterned by rows of furrows or ditches each one of which, under a technical reading of the FWPCA, could be considered a point source. [The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged (section 502(14) of the FWPCA)]. When rain falls in amounts in excess of that which is absorbed by the soil, it is channelled into these furrows and often eventually reaches navigable waters. Such runoff, however, is nonpoint in character because it consists of naturally-occurring water flowing in a diffuse manner over a generally imprecisely-defined area of land. This runoff is not amenable to end-of-pipe treatment or effluent guidelines, but may be minimized by the use of proper management techniques such as contour plowing.

The fact that the water originated from natural causes, rain, and was not introduced to the land by man is critical. Once the application of the water is controlled by man, as in irrigated operations, and is channelled into ditches, pipes, and drains, the prohibition of discharges of pollutants by any person without a permit under § 301 of the FWPCA becomes applicable. This distinction between pollution caused by precipitation events and pollution caused by the controlled application of water by any person was recognized by Congress during the debates on the FWPCA amendments of 1972. At that time, Congressman Roncalio introduced an amendment that would exempt irrigation return flow ditches from the NPDES permit program. The defeat of this amendment, in addition to other statements on the floors of the House and the Senate, indicates that Congress was aware of the distinguishing characteristics of the controlled applicatio_ of water, and considered discharges of pollutants from such application subject to the NPDES permit program (see *A Legislative History of the Water Pollution Control Act Amendments of 1972*, January 1972, pp. 860, 861 and 1470; hereafter, *Legislative History*).

Thus, in formulating the criteria for defining agricultural point sources EPA has specifically excluded those sources that may be furrows, ditches, and drains channeling natural runoff, and specifically included irrigation return flow ditches and drains that convey water resulting from its controlled application by man to navigable waters. When water pollution from irrigation ditches results from precipitation events, that pollution is nonpoint in nature. However, when discharges from irrigation ditches result from the controlled application of water by any person, that pollution is considered a point source and subject to the program proposed herein.

The rationale for this distinction lies in the structure of the FWPCA which provides for two different types of pollutant abatement programs under §§ 208 and 402. Under § 208, area wide plans incorporating local participation and tailored to the particular region affected are to be developed and implemented to control both point and nonpoint sources of pollution in the area. In contrast, § 402, as currently administered, calls for national standards to be applied uniformly to categories of point sources and implemented through individual permits containing such standards. It was the intent of Congress to distinguish point source discharges which are generally predictable, identifiable and controllable. Such point source discharges are particularly amenable to the conventional individual § 402 NPDES permits which impose numerical effluent limitations and discharge monitoring requirements. Effluent limitations are not always appropriate to point sources in the agricultural category.

Instead, Congress recognized that for most agricultural activities

> an important part of control of nonpoint sources" will be the "full utilization of agricultural conservation techniques," "Sound land use," and the "installation of systems of management, storing, and recycling of * * * agricultural related pollutants [*Legislative History*, p. 1470].

On the basis of this conceptual differentiation between control mechanisms available for point and nonpoint sources, EPA has defined agricultural point sources in accordance with the Congressional guidance to recognize irrigation return flow ditches. Technically, a point source is defined as a "discernible, confined and discrete conveyance, including but not limited to any pipe, ditch [or] channel * * * (section 502(14)) and includes all such conveyances. However, a proper interpretation of the FWPCA as explained in the legislative history and supported by the court in *NRDC v. Train* is that not every "ditch, water bar or culvert" is "meant to be a point source under the Act [FWPCA]" (7 ERC 1881 at 1887). The Agency has determined, therefore, that ditches, pipes and drains that serve only to channel and convey water from natural, diffuse non-

point sources are not meant to be subject to the NPDES permit program.

Point source discharges from irrigation return flow as defined in the regulations would be permitted by a general permit(s). The procedures for issuance of the general permit(s), including content, notice and opportunity to be heard, will be proposed in the FEDERAL REGISTER simultaneously with the promulgation of these regulations. This general permit to discharge agricultural wastes would be subject to two principal conditions. First, the Administrator reserves the right to issue additional regulations for irrigation return flow ditches. Second, the Director or Regional Administrator may designate owners or operators of irrigation return flow ditches as subject to the specific NPDES permit requirements of section 402. The additional regulations promulgated by the Administrator and the designation by the Director or Regional Administrator could require monitoring, reporting, or installation of new technology which demonstrates techniques for control and/or treatment of pollutants from irrigation return flow ditches. In this way requirements would only be imposed through section 402 where pollution is occurring and alternate means of pollution control have been identified. These conditions recognize the present inadequacies of pollution control technology for irrigation return flow ditches and the lack of information concerning to whom and in what manner permits should be issued. As better pollution control technologies are developed and more extensive information is available, permits may be issued accordingly.

This approach would be intended to focus most intensive, individualized permitting resources upon a limited number of agricultural point source discharges which have been identified by permit-issuing authorities as amenable to effective regulatory control under the NPDES permit program. Also, this approach would recognize the present inability of permitting agencies to prescribe numerical effluent limitations for irrigation return flow ditches. It would also enable these agencies to gather more information necessary for the development of effective regulations without imposing unnecessary burdens upon all owners and operators of agricultural point sources.

REQUEST FOR COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Legal Branch, Water Enforcement Division (EN-338), Office of Water Enforcement, Environmental Protection Agency, Washington, D.C. 20460. Comments upon all aspects of the proposed regulations are solicited. In particular, comments are desired concerning the technical definitions of "agricultural point source," "Irrigation return flow," and "surface water;" the general permit(s) and the conditions applicable to such general permit(s); the scope of the regulations; the effectiveness of the regulations; and the purpose of the regulations, including the water quality benefits to be gained as contrasted with the costs to the affected owners and operators.

In the event comments are in the nature of criticisms as to the adequacy of data which are available or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments object to the approach taken by the Agency in establishing this regulation, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the requirements of the court order.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 9222, Rear Library-Mall, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before April 2, 1976 will be considered.

No Inflationary Impact Statement is required by Executive Order 11821 for these proposed regulations since the economic effects will not exceed the criteria established by EPA and approved by the Office of Management and Budget for the preparation of such statements.

(Secs. 304, 402, 501 of the Federal Water Pollution Control Act Amendments of 1972, (86 Stat. 816 et seq., Pub. L. 92-500 33 U.S.C. 1251 et seq.))

Dated: February 17, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 124 of Title 40 of the Code of Federal Regulations, setting forth State program elements necessary for participation in the National Pollutant Discharge Elimination System, is proposed to be amended as follows:

Subpart B—Prohibition of Discharge of Pollutants

§ 124.11 [Amended]

1. The first sentence of paragraph (h) of § 124.11 is revised to read as follows: "Water pollution from agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, rangelands, and forest lands, except that this exclusion shall not apply to the following:"

2. Subparagraph (h)(4) of § 124.11 is revised to read as follows:

(4) Discharges from agricultural point sources as defined in § 124.84(a).

Subpart I—Special Programs

3. Subpart I of Part 124 is amended by deleting the title "Disposal of Pollutants into Wells" and by adding a new title to read as set forth above and by redesignating § 124.80 as 124.81.

4. Subpart I of Part 124 is amended by adding a new § 124.84, "Agricultural Activities," as follows:

§ 124.84 Agricultural Activities.

(a) *Definitions.* For the purpose of this section:

(1) The term "agricultural point source" means any discernible, confined and discrete conveyance from which any irrigation return flow is discharged into navigable waters.

(2) The term "irrigation return flow" means surface water, other than navigable waters, containing pollutants which result from the controlled application of water by any person to land used primarily for crops or forage growth, forestry or nursery operations.

Comment. This term includes water used for cranberry harvesting, rice crops, and other such controlled application of water for purposes of farm management.

(3) The term "surface water" means water that flows exclusively across the surface of the land from the point of application to the point of discharge.

(b) *Permit requirement.*

Comment. Procedures for the issuance of a general permit(s), including application requirements, terms and conditions, notice, and opportunity for a hearing, shall be proposed by the Director simultaneously with the promulgation of these regulations.

Part 125 of Title 40 of the Code of Federal Regulations, setting forth policies and procedures for the Environmental Protection Agency's administration of its role in the National Pollutant Discharge Elimination System, is proposed to be amended as follows:

Subpart A—General

§ 125.4 [Amended]

1. The first sentence of paragraph (j) of § 125.4 is revised to read as follows: "Water pollution from agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, rangelands, and forest lands except that this exclusion shall not apply to the following:"

2. Subparagraph (j)(4) of § 125.4 is revised to read as follows:

(4) Discharges from agricultural point sources as defined in § 125.53(a).

Subpart F—Special Programs

3. Part 125 is amended by adding a new Subpart F, *Special Programs.*

4. Subpart F of Part 125 is amended by adding a new § 125.53, *Agricultural Activities* as follows:

§ 125.53 Agricultural Activities.

(a) *Definitions.* For the purpose of this section:

(1) The term "agricultural point source" means any discernible, confined and discrete conveyance from which any irrigation return flow is discharged into navigable waters.

(2) The term "irrigation return flow" means surface water, other than navigable waters, containing pollutants which result from the controlled application of water by any person to land used primarily for crop or forage growth, forestry or nursery operations.

Comment. This term includes water used for cranberry harvesting, rice crops, and other such controlled application of water for purposes of farm management.

(3) The tem "surface water" means water that flows exclusively across the surface of the land from the point of application to the point of discharge.

(b) *Permit requirement.*

Comment. Procedures for the issuance of a general permit(s), including application requirements, terms and conditions, notice, and opportunity for a hearing, shall be proposed in the FEDERAL REGISTER simultaneously with the promulgation of these regulations.

[FR Doc.76-5089 Filed 2-20-76;8:45 am]

[40 CFR Part 86]

[FRL-493-3]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Extension of Comment Period on Proposed Evaporative Emissions Regulations for New Light Duty Vehicles and Trucks

On January 13, 1976, the Environmental Protection Agency (EPA) published a Notice of Proposed Rulemaking for control of evaporative emissions from new light duty vehicles and light duty trucks (41 FR 2022). A 6 gram per test standard was proposed for 19/8 model year vehicles and a 2 gram per test standard was proposed for 1979 and later model year vehicles. A forty five day comment period was established such that comments received by February 27, 1976, would be considered in the final rulemaking.

EPA has received a request from General Motors Corporation for extension of the comment period related to the 1979 part of the proposed reuglations to allow submittal of more substantive comments on the 2 gram per test level proposed for 1979. EPA considers a twenty day extension of the public comment period only on the technological feasibility of and cost associated with the proposed 2 gram per test standard for 1979 to be reasonable since it need not delay establishment of a more valid standard for the 1978 model year nor cause slippage in the implementation of a more stringent standard for the 1979 model year.

Therefore, the period for submitting written data and views bearing on the technological feasibility and cost of the proposed 2 gram per test standard for the 1979 model year is hereby extended to March 18, 1976, for receipt by EPA. The comment period on all remaining aspects of the proposed regulations including the proposed test procedure and the technical feasibility and cost associated with the proposed 1978 standard of 6 grams per test is unchanged from February 27, 1976.

Dated February 18, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76-5258 Filed 2-20-76;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 STATE

[Public Notice CM-6/20]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on safety of navigation of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, March 10, 1976, in Room 8234 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to:

Discuss proceedings at the Seventeenth Session of the Subcommittee on Safety of Navigation of the Intergovernmental Maritime Consultative Organization (IMCO) held in London, July 21–25, 1975.

Consider the agenda for the forthcoming Eighteenth Session of the IMCO Subcommittee on Safety of Navigation, scheduled to be held in London, March 22–26, 1976, in particular.

Matters related to routing of ships.

Possible revision of Regulation 8, Chapter V of the 1974 Safety Convention.

Navigational aids and equipment.

Review of international requirements and recommendations on navigational aids.

Performance standards for radar beacons.

Requirements and performance standards for magnetic compasses.

Standard marine navigational vocabulary.

Regional harmonization of buoyage systems.

Matters related to the 1972 Collision Regulations.

Report matters.

Search and rescue.

International coordination of promulgating navigational warnings to shipping.

Requests for further information on the meeting should be directed to CAPT. R. A. Bauman or CDR. D. L. Parr, United States Coast Guard. They may be reached by telephone on (area code 202) 426–4958.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 11, 1976.

[FR Doc.76–5022 Filed 2–20–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 10, 1976.

The meeting of the USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group, originally scheduled for February 27, 1976, has been rescheduled for March 26–27, 1976, in Room 316, Building 52, Area B, Wright-Patterson Air Force Base, Ohio.

The Group will receive unclassified briefings and hold unclassified discussions on March 26, from 8:30 a.m. to 5:00 p.m., concerning the current structural status of the C–5 wing and the proposed redesign modification thereto. This session will be open to the public, and interested persons may address the Group concerning this program.

The Group will conduct an executive session on March 27, from 8:30 a.m. to 5:00 p.m., to evaluate the information received in the earlier presentations, discuss preliminary findings and write initial draft inputs for possible inclusion in a final report. This session will concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (5), and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

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

[FR Doc.76–5019 Filed 2–20–76;8:45 am]

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Naval Research Advisory Committee will hold a closed meeting on March 11 and 12, 1976. The first session of the meeting will be open to the public, and will be held between 8:30 a.m. and 12:00 noon on March 11 at the Sheraton Half Moon Inn, 2303 Shelter Island Drive, San Diego, California. Remaining sessions of the meeting will be held at the Naval Electronics Laboratory Center, San Diego, California, and will be closed to the public.

The topic of the meeting is research and development related to the field of human resources and the manner in which it impacts on the operation of the U.S. Navy. The first session will be concerned with fundamental factors affecting human behavior under the stimulus of various stress conditions. The remaining sessions will address classified matters, required to be kept secret in the interest of the national defense. The Secretary of the Navy for that reason has therefore determined in writing that all sessions of the meeting except the morning session of March 11 be closed to the public because they will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: February 18, 1976.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76–5024 Filed 2–20–76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting at the Rosslyn Hotel, 1500 Wilson Blvd., Conference Room 259, Arlington, Virginia on March 10, 11, and 12, 1976. The meeting will be open to the public.

The purpose of the meeting is to further discuss and approve:

1. Chapter I—Organized Crime and Corruption.
2. Chapter IV—Regulatory and Administrative Agencies.
3. Chapter V—Intelligence.
4. Chapter VIII—Organized Crime, Training and Education.
5. Chapter IX—Executive and Legislative Responsibilities.

The members will also approve the outline for Section I, which is Organized Crime in America, and Section III, Epilogue.

Meeting Times: March 10 and 11—9 a.m. to 5 p.m., March 12—9 a.m. to 3 p.m.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76–5031 Filed 2–20–76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will be meeting at the Fiesta Inn, 2100 South Priest Drive, Tempe, Arizona on March 18 and 19, 1976. On March 20, 1976, the meeting will be held at the Holiday Inn,

915 East Apache Blvd., Tempe, Arizona. The meeting will be open to the public.

Discussion will focus on the progress and review of the individual task forces, which are:

1. Disorders and Terrorism.
2. Juvenile Delinquency.
3. Organized Crime.
4. Private Security.
5. Research and Development.

Meeting Times: March 18—2 p.m. to 7 p.m., March 19—9 a.m. to 5:30 p.m., March 20—9 a.m. to 5 p.m.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-5032 Filed 2-20-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will be meeting at the Travelodge, Fisherman's Wharf, Marine Room, 250 Beach Street, San Francisco, California on March 12, 13, and 14, 1976. The meeting will be open to the public.

Discussion will focus on the adoption of standards and commentaries in the Prosecution, Police, Pre-adjudication and Adjudication, Processees, Planning, Management Information, Evaluation, and Corrections.

Meeting times:

Mar. 12 and 13	8:30 a.m. to 5:30 p.m.
Mar. 14	8:30 a.m. to 2:00 p.m.

For further information, contact Richard VanDuizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-5157 Filed 2-20-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FOLSOM DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Folsom District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Mission Tesoro Motel, at the intersection of State Highway 33 and Interstate 5, Merced County, California, on March 27, 1976, at 8:00 a.m.

The meeting will be devoted principally to the consideration of problems and programs associated with multiple use management of the national resource lands in Fresno and San Benito Counties. The first and second days of the meeting, March 25 and 26, will involve field examination of the national resource lands in the vicinity of Coalinga, California. Members of the public wishing to participate in the field tour will have to furnish their own transportation. March 27, the final day of the meeting, will be devoted to committee work in the development of recommendations on land exchanges, off-road vehicles, public access, prescribed burning, revision of the Advisory Board's charter and consideration by the full Board of such recommendations.

The meeting will be open to the public. Time will be made available beginning at 8:00 a.m. on March 27 for brief statements by members of the public; such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should inform the District Manager at the address listed below. Written statements should be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Alan P. Thomson, District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Telephone (916) 985-4474.

Minutes of the meeting will be available at the Folsom District Office for public inspection and copying thirty days after the meeting.

ALAN P. THOMSON,
District Manager.

[FR Doc.76-4971 Filed 2-20-76;8:45 am]

YUMA DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Yuma District Multiple Use Advisory Board will meet March 31–April 1, 1976, at the Rodeway Inn, Lake Havasu City, Arizona. The Board will leave the Rodeway Inn at 8:00 a.m. March 31, for a field trip of the Parker Strip (by boat), Whipple Mountains, Black Meadow Landing Concession (in vehicles), and Lake Havasu (by boat).

April 1, a business meeting will convene at 9:00 a.m. in the Conference Room of the Rodeway Inn.

Agenda items will include a review of progress on the Parker Strip Activity Plan, Buckskin Mountain Habitat Management Plan and Laguna-Martinez Activity Plan; a general discussion of the field trip; comments and statements from the public and Advisory Board comments and recommendations.

Members of the public wishing to participate in the field trip should arrange their own transportation. The business meeting will be open to the public with seating provided for approximately 45 persons. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should notify the Bureau of Land Management, Yuma District Office, prior to the meeting of the Board. Written statements may be submitted at the meeting or mailed to: Chairman, Yuma District Advisory Board, 2450 Fourth Avenue, Yuma, Arizona 85364.

Further information concerning the meeting may be obtained from H. Max Bruce, District Manager, at the above address. Telephone number: (602 726-2612.

H. MAX BRUCE,
District Manager.

FEBRUARY 13, 1976.

[FR Doc.76-4972 Filed 2-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Indiana Grain Inspection Point

Statement of considerations. The Schneider Inspection Service, Cedar Lake, Indiana, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Schneider Inspection Service has been providing official inspection service for 14 years at Schneider, Indiana, and for 1½ years at Sheldon, Illinois, as designated inspection points. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)).

The Schneider Inspection Service now plans to locate one or more of its licensed grain inspectors at Winamac, Indiana, and has requested that its assignment of inspection points be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Winamac, Indiana, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Schneider Inspection Service to add Winamac, Indiana, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than March 24, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. De-

partment of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on February 18, 1976.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.76-5084 Filed 2-20-76;8:45 am]

Forest Service

VEGETATION MANAGEMENT WITH HERBICIDES IN OREGON AND WASHINGTON

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management with herbicides in Oregon and Washington. USDA-FS-R6-FES (ADM)-75-18.

The environmental statement concerns a proposed series of vegetation treatments on National Forest lands using the herbicides 2,4-D, 2,4,5-T, silvex, atrazine, dicamba, dalapon, amitrole, picloram, monosodium methanearsenate and cacodylic acid as a part of various resource management activities including site preparation, plantation release, thinning conifer plantations, control of noxious or poisonous plants, range revegetation and maintenance of improvement.

This final environmental statement was submitted to CEQ on February 13, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th & Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT R. TYRREL,
Director, Planning,
Programming and Budgeting.

[FR Doc.76-4969 Filed 2-20-76;8:45 am]

Office of the Secretary

PUBLIC ADVISORY COMMITTEE ON SOIL AND WATER CONSERVATION

Renewal

The Secretary of Agriculture has renewed the Public Advisory Committee on Soil and Water Conservation. This committee was originally established in October 1955 to provide a means whereby those from outside government can make evaluations of and offer constructive suggestions for program needs and development in the field of soil and water conservation. The committee consists of 18 members appointed by The Secretary of Agriculture for a two-year term. This reestablishment action was determined to be in the public interest and was taken after consultation with the Office of Management and Budget.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary
for Administration.

FEBRUARY 13, 1976.

[FR Doc.76-5004 Filed 2-20-76;8:45 am]

Soil Conservation Service

ANDERSON RIVER WATERSHED PROJECT, INDIANA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Anderson River Watershed Project, Crawford, Dubois, Perry, and Spencer Counties, Indiana, USDA-SCS-EIS-(ADM)-75-3(F)-IN.

The EIS concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement provide for conservation land treatment; 46 single-purpose floodwater retarding reservoirs; 1 multiple-purpose reservoir for flood prevention, recreation and industrial water supply; 1 multiple-purpose reservoir for flood prevention and recreation; 1 multiple-purpose reservoir for flood prevention and municipal water supply; and approximately 10.5 miles of channel work on the Anderson River main stem consisting of debris removal and the removal of hazardous trees from the channel flow area. The recreational developments have a design capacity of 2500 persons at one time.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-5014 Filed 2-20-76;8:45 am]

BEAUTIFUL RUN WATERSHED, VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for structure number 1B of the Beautiful Run Watershed, Madison County, Virginia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one single-purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-5013 Filed 2-20-76;8:45 am]

RAINY MOUNTAIN CREEK WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the

Rainy Mountain Creek Watershed Project, Kiowa, Comanche and Washita Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Roland Willis, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by the negative declaration include conservation land treatment supplemented by five floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours and the negative declaration is available for single copy requests at the following location.

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken on or before March 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-5012 Filed 2-20-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BELLEVUE HOSPITAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00142-33-46040. Applicant: Bellevue Hospital Center, First Avenue and 27th Street, New York, New York 10016. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of selected surgical biopsies and autopsy specimens for diagnostic purposes. Common problems for study include glomerular diseases of the kidney, toxic and infectious diseases of the liver and malignancies of all kinds in which the ultrastructural findings of secretory products or specific organelles can help to establish an accurate diagnosis and appropriate treatment. Diseased tissue obtained through biopsy and various body fluids will also be examined. Other projects include: study of drug effects, study of various forms of glycogen-storage disease and identification of types of tumor in treatment of cancer patients. The article will also be used in the training of pathology residents.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received the application (September 18, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000 × without a pole-piece change and a guaranteed resolution of 3.5 Angstroms point to point (A pt.). The most closely comparable domestic instrument available at the time Customs received this application was the Model EMU-4C electron microscope currently supplied by the Adam David Company (Adam David). The Model EMU-4C with its standard polepiece, had a specified magnification range of 1,400 × to 240,000 ×. For survey and scanning, the lower end of this range could be reduced to 200 × or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000 × should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment. The EMU-4C provided a guaranteed resolution of 5A pt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 16, 1976 that distortion free micrographs at low magnifications (100 ×) immediately followed by high magnification examinations at 200,000 × without a pole-piece change and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the magnification range without pole-piece change and the guaranteed resolution of the domestic Model EMU-4C was not scientifically equivalent to that of the foreign article for the applicant's intended use. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time Customs received this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-5016 Filed 2-20-76;8:45 am]

LOUISIANA STATE UNIVERSITY MEDICAL CENTER IN SHREVEPORT ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 15, 1976.

Amended regulations issued under cited Act, (40 FR 12253 et seq, 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00266. Applicant: Louisiana State University Medical Center in Shreveport, 1501 Kings Highway, Shreveport, LA 71130. Article: Scanning Electron Microscope Attachment, and Goniometer Stage. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a large number of scientific investigations which include but are not limited to the following:

(1) The structure of cell walls of various gram negative bacteria, and the response of these cell walls to antibiotic treatment,

(2) The ultrastructural alterations occurring as a consequence of virus infection, in cell morphology particularly the plasma membrane,

(3) The morophological aspects of integration of viral nucleic acid into host cell genomes,

(4) Infection of various cell lines with *Histoplasma capsulatum, Toxoplasma gondii, Leishmania braziliensis,* and

Chalmydia trachomatis. The article will also be used by graduate students of the Department of Microbiology and Immunology and the Department of Anatomy for the development of relevant techniques associated with the use of this equipment in their research projects. Application received by Commissioner of Customs: January 20, 1976.

Docket number: 76-00267. Applicant: Harvard Medical School, Dept. of Anatomy, 25 Shattuck Street, Boston, Massachusetts 02115. Article: Electron Microscope, Model JEM-100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues after they have been fixed, dehydrated, embedded in plastic, and sectioned; or after they have been frozen rapidly, fractured and shadowed with platinum and replicated with carbon. Tissues examined will include connective tissue cells involved in the synthesis of extracellular matrix material, gastric and intestinal mucosal cells during various secretory and absorptive stages, and various aspects of the male reproductive tract as well as the spermatozoa. Experiments conducted will be aimed at determining the structure of cells and the role of various components in the economy of the cell. Various cell types from different species will be compared and different physiological states will be induced. In addition, specific disease states will be examined. The article will also be used to teach and train graduate students and to teach microscopy to medical students. Application received by Commissioner of Customs: January 20, 1976.

Docket number: 76-00268. Applicant: State University of New York at Binghamton, Dept. of Biological Sciences, Vestal Parkway East, Binghamton, N.Y. 13901. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a variety of ultrastructural studies in different organisms by graduate students, staff members, and faculty of the Department of Biological Sciences. The main areas of research to be pursued are the following:

1. Comparative ultrastructure of mammalian and amphibian liver.
2. Glomerular lesions occurring in rodents with renal disease.
3. Mitochondrial development in insect flight muscle.
4. Subunit structure of F_1 ATPase.
5. Morphological purity of sub-cellular fractions from porcine thyroid gland.
6. Ultrastructure of the photosynthetic apparatus of Cyanobacteria (blue-green algae).
7. Fine structure of the cell membrane of iron-oxidizing Thiobacilli.
8. Morphology of the vaginal and uterine linings of the mouse during the estrous cycle and pregnancy.
9. Ultrastructural reponse of blue-green algae to environmental parameters.
10. Ultrastructural changes in chlorella vulgaris when cell growth is uncoupled from cell division.

Application received by Commissioner of Customs: January 23, 1976.

Docket number: 76-00269. Applicant: The Presbyterial Medical Center, 1719 E. 19th Ave., Denver, Colorado 80210. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the study of a stable well population consisting of 150 well, ambulatory males and females whose average age is 87.4 years. Another study involves a comparison of conventional treatment planning techniques for the precise location of malignant lesions to those utilizing the new CT scan methods. In the geriatric multi-phasic screening study CT scanning in the aging group delineates not only cerebral lesions, e.g., infarctions, hemorrhages, tumors, but also enables the examiner to determine ventricular size, enlargement of subarachnoid pathways, and also mass effect (either on a mass lesion basis or from atrophy). In the treatment planning study specific research designed to provide a comparative study testing the current most advanced techniques used within the department against those utilizing the CT scanner is to be undertaken. The article will also be used in the teaching of health care personnel which includes interns, residents, physicians, nurses and radiation therapy technologists. Application received by Commissioner of Customs: January 23, 1976.

Docket number: 76-00270. Applicant: U.S. Department of Agriculture, Bldg. 011A, Room 207, BARC-West, Beltsville, Maryland 20705. Article: Scanning attachment with adaptor for EM 301 microscope. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is an accessory to an existing electron microscope purchased from the same manufacturer which is being used in research on isolation, identification and development of insect pathogens for use in biological control. These include viruses, bacteria, fungi, and protozoa. Special emphasis will be on characterization of insect viruses, their structure, mode of invasion and replication in the insect host susceptible tissues and in insect tissue culture. Examinations will be made using standard EM preparative techniques and modifications as required for negative staining, shadowing, carbon replicas, thin sections, and freeze-etching. Application received by Commissioner of Customs: January 23, 1976.

Docket Number: 76-00271. Applicant: Stephen F. Austin State University, Nacogdoches, TX 75961. Article: Electron Microscope, Model HS-9-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in the course Biology 555—Biological Ultrastructure to educate graduate students in both the theory and practical applications of electron microscopy, an extremely important aspect of modern biology. Application received by Commissioner of Customs: January 23, 1976.

Docket Number: 76-00272. Applicant: Washington State University, Division of Purchasing, Pullman, WA 99163. Article: Induced polarization transmitter, receiver, System. Manufacturer: Sintrex Inc., Canada. Intended use of article: The article is intended to be used in the course, C.E. 524 Geophysical Engineering to train students in the use of geophysics as a method of subsurface investigation in engineering and geology. Application received by Commissioner of Customs: January 27, 1976.

Docket Number: 76-00273. Applicant: Carnegie-Mellon University, Mellon Institute of Science, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in biological studies in which the material to be investigated includes cultured mammalian cells, their virus transformed derivatives and tumors derived from small mammals. Experiments will be designed to determine the function of cytoplasmic fibers in normal, virus-transformed and tumor cell motility. This article will also be used in the training of graduate students and for demonstrations in undergraduate laboratory and lecture courses entitled "Introduction to Cellular and Molecular Biology". Application received by Commissioner of Customs: January 27, 1976.

Docket Number: 76-00274. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, New Mexico 87115. Article: Quantel pulse selector PF302. Manufacturer: Quantel, France. Intended use of article: The article is an accessory to be used in conjunction with a Quantel oscillator system in two areas of research, fusion related research and laser damage studies. The article acts as an optical gate and will select a single optical pulse from a mode-locked laser pulse train or it will slice a shorter light pulse from the center of a Q-switch laser pulse. Application received by Commissioner of Customs: January 27, 1976.

Docket Number: 76-00275. Applicant: Bedford, V.A. Hospital, 200 Springs Road, Bedford, Mass. 01730. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural investigation of the synaptic organization of cerebral cortex, primarily of monkey but also of human material procured at autopsy. Experiments will involve analyzing of the neuronal population of laminae I-VI in selected areas of cortex. The afferent synaptology of selected neuronal types will be investigated by the Golgi-EM technique and serial sections. In addition, the ultrastructural terminations of extrinsic afferents to specific cortical areas will

be examined using the EM-degeneration methods. Application received by Commissioner of Customs: January 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-5018 Filed 2-20-76;8:45 am]

ROSWELL PARK MEMORIAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00110-33-40700. Applicant: Rosewell Park Memorial Institute, 666 Elm Street, Buffalo, NY 14263. Article: Cesium-137 Gamma Ray Irradiator. Manufacturer: Atomic Energy of Cada Ltd., Canada. Intended use of article: The article is intended to be used in research works conducted by various groups of biologists. External irradiation with gamma rays from this unit under different experimental conditions will be given to various cancer cells and tumor-bearing animals for the studies of radiation response to these biological systems.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a dual Cesium-137 source which provides a uniform dose distribution (±5 percent). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 16, 1976 that the capabilities of the article described above are pertinent to the applicant's intended use. HEW further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-5017 Filed 2-20-76;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

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 Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, April 22, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., 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 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 Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of work program of the Committee.
(4) Reports of Subcommittees:
(a) New Technology.
(b) Foreign Availability.
(c) Definitions.

EXECUTIVE SESSION

(5) 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 Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), 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 Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee 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 18, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-5001 Filed 2-20-76;8:45 am]

Office of the Secretary

[Organization Order 20-9; Amdt 1]

OFFICE OF PUBLICATIONS

Organization and Function

Correction

In FR Doc. 76-4133, appearing at page 6299 in the issue for Thursday, February 12, 1976, the heading which now read "Printing Division and Composition Division", should read as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0184]

CERTAIN DRUG PRODUCTS CONTAINING AN ANTICHOLINERGIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs to Remain on the Market; Correction

In FR Doc. 75-30273 appearing at page 52644 in the FEDERAL REGISTER of Tuesday, November 11, 1975, the text of item

number 5. under DESI 3265 in the first column on page 52645 is corrected to read "Profenil Tablets containing alverine citrate 120 mg; Chemetron Corp., 111 E. Wacker Dr., Chicago, IL 60601 (NDA 5–695)."

Dated: February 13, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–4982 Filed 2–20–76;8:45 am]

[Docket No. 75N–0185; DESI 3265]

CERTAIN SINGLE-ENTITY ANTISPASMODIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment and Notice of Opportunity for Hearing; Correction

In FR Doc. 75–30274 appearing at page 52649 in the FEDERAL REGISTER of Tuesday, November 11, 1975, in item number 5, in the third column, that portion of the text that reads "Smith, Miller & Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, NJ 08902 (NDA 5–695)" is corrected to read "Chemetron Corp., 111 E. Wacker Dr., Chicago, IL 60601 (NDA 5–695)."

Dated: February 13, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–4983 Filed 2–20–76;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Obstetrics and Gynecology Advisory Committee.	Mar. 19, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; closed presentation of data 10 a.m. to 12 m.; closed committee deliberations 1 to 3 p.m.; A. T. Gregoire, Ph. D. (HFD–130), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3510.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed presentation of data. The sponsor of a pre-NDA (new drug application) will present safety and efficacy data involving previously unreported information. This portion of the meeting will be closed to protect the confidentiality of medical files (5 U.S.C. 552(b)(6)).

Closed committee deliberation. Discussion of PGE2 tablets for the induction of labor. This portion of the meeting will be closed to permit the free exchange of internal views and the formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Review of Blood and Blood Derivatives.	Mar. 19 and 20, 9 a.m., Room 121, Building 29, NIH, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Mar. 19, 9 to 10 a.m.; open committee discussion Mar. 19, 10 a.m. to 12 m.; closed committee deliberations Mar. 19, 1 p.m. to adjournment, Mar. 20, a. m. to adjournment; Clay Sisk (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of multiple unit donors and potential iron depletion; minutes of previous meeting; and comments and questions from the public.

Closed committee deliberations. Discussion of licensed blood bank products and data submissions from producers of plasma fractional products. This portion of the meeting will be closed to protect the free exchange of internal views and formulation of committee recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Physical Medicine (Physiatry) Devices.	Mar. 21 and 22, 9 a.m., Discovery Conference Room, Channel Inn Motel, 650 Water St. SW., Washington, D.C.	Open public hearing Mar. 21, 9 to 11 a.m.; open committee discussion Mar. 21, 11 a.m. to 4 p.m.; Mar. 22, 9 a.m. to 1 p.m.; closed committee deliberations Mar. 22, 1 to 4 p.m.; Johnsie W. Bailey (HFK–400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to the classification of physical medicine devices listed in this announcement to Johnsie W. Bailey, Executive Secretary. Submission of data relative to tentative classification findings is also invited. Discussions will be held on air-fluidized bed, isokenetic testing and evaluation system, and hand-driving controls.

Open committee discussion. The panel will discuss the evaluation of hot and cold packs before completing the standard development priority list and its review of the tentative classification list. The panel will also identify the specific device characteristics that the standards should address.

Closed committee deliberations. The panel will discuss the final report of the panel's classification results. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Respiratory and Anesthetic Drugs Advisory Committee.	Mar. 22, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 12 m.; closed committee deliberations 1 to 4 p.m.; Gerald M. Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of anesthesiology.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of package insert revision for Penthrane(methoxyflurane); suggested clinical guidelines for general anesthetics and local anesthetics; and general labeling guidelines for local anesthetics.

Closed committee deliberations. Discussion of IND's 11,551, 11,657, 10,762, 10,470, and a pre-IND product. This portion of the meeting will be closed to permit the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
5. Medical Radiation Advisory Committee	Mar. 22 and 23, 9 a.m., Room 400-T, Twinbrook, Building 4, Rockville, Md.	Open public hearing Mar. 22, 9 to 10 a.m.; open committee discussion Mar. 22, 9 a.m. to 4:30 p.m., Mar. 23, 9 a.m. to 12 m.; William Cole, M.D. (HFX-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Reports of the following subcommittees and other related matters: The division of training and medical applications; nuclear medicine; and mammography.

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	Mar. 22 and 23, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 22, 9 to 10 a.m.; closed committee deliberations Mar. 22, 10 a.m. to 4:30 p.m., Mar. 23, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussion often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying a draft of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Disposable Respiratory Therapy Accessories Subcommittee of the Panel on Review of Anesthesiology Devices.	Mar. 24, 9 a.m., Room 1400, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 5. p.m.; Franklyn K. Coombs (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Richard Imbruce, Ph. D., from the Norwalk Hospital, Norwalk, CT, and chairman of the Humidifiers Subcommittee of Z-79 Committee of American National Standards Institute (ANSI) will review the proposed standard being developed by the Humidifiers Subcommittee.

Open committee discussion. The subcommittee will compile a device list for disposable respiratory therapy accessories. They will review the classification of these devices and make recommendations for standards development.

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Antiperspirant Drug Products.	Mar. 25 and 26, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 25, 9 to 10 a.m.; closed committee deliberations Mar. 25, 10 a.m. to 4:30 p.m., Mar. 26, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discusssions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Bacterial Vaccines and Toxoids.	Mar. 28 and 29, 9 a.m., Room 121, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Mar. 28, 9 to 10 a.m.; open committee discussion Mar. 28, 10 a.m. to 2 p.m.; closed committee deliberations Mar. 28, 2 p.m. to adjournment on Mar. 29; Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of previous meeting's minutes; communications and comments from observers; discussion of generic product statements for tetanus antitoxin, tetanus immune globulin, diphtheria antitoxin, diphtheria immune globulin, pertussis immune globulin, and botulinal antitoxin.

Closed committee deliberations. Continued review of the following specific products: Tetanus immune globulin, tetanus antitoxin, diphtheria antitoxin, pertussis immune globulin, botulinal antitoxin. If time permits, begin review of data submissions for streptokinase, collagenase. Data submissions possibly including trade secret information will be reviewed. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue intereference with committee operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Gastrointestinal Drugs Advisory Committee.	Mar. 29 and 30, 9:30 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Mar. 29, 9:30 a.m. to 3 p.m. closed committee deliberations Mar. 29, 3 to 5 p.m.; open public hearing Mar. 30, 9:30 to 10:30 a.m.; open committee discussion Mar. 30, 10:30 a.m. to 3 p.m.; closed committee deliberations Mar. 30, 3 to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Flagyl IND (investigational new drug) 12–116; draft model protocols; gastric secretory depressants, G.I. motility modifying agents, antacids, laxatives, antidiarrheals combination anticholinergic, antispasmodic sedative tranquilizer drugs; discussion of hepatotoxicity.

Closed committee deliberations. Discussion of agenda items in open session as shown above. This portion of the meeting will be closed in order to protect the free exchange of internal views and for formulation of committee recommendations on agenda items (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
11. Device Sterility Subcommittee of the Panel on Review of General Hospital and Personal Use Devices.	Mar. 30, 9 a.m., Regional Office Bldg., Auditorium, Room 1926, 7th and D Sts. SW., Washington, D.C.	Open committee discussion 9 a.m. to 3:30 p.m.; open public hearing 3:30 to 4:30 p.m.; William C. Dierksheide, Ph. D. (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to committee discussions listed in this announcement to William C. Dierksheide, Ph. D., Executive Secretary.

Open committee discussion. Review of current industrial sterilization assurance practices. Review of the performance of commercially available sterilization equipment to identify those characteristics that may be considered for standardization.

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Dentifrices and Dental Care Agents.	Mar. 31 and Apr. 1, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 31, 9 to 10 a.m.; closed committee deliberations Mar. 31, 10 a.m. to 4:30 p.m., Apr. 1, 9 a.m. to 4:30 p.m.; Michael Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas on NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content categorization of ingredients and claims.

This portion of the meeting will be closed in order to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Technical Electronic Product Radiation Safety Standards Committee.	Mar. 31 and Apr. 1, 9 a.m., Room T-416, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing Mar. 31, 9 to 10 a.m.; open committee discussion Mar. 31, 10 a.m. to 12:15 p.m.; closed committee deliberations Mar. 31, 12:15 to 1 p.m.; open committee discussion Mar. 31, 1 to 3:45 p.m.; closed committee deliberations Mar. 31, 3:45 to 4:45 p.m.; open committee discussion Apr. 1, 9 a.m. to 4:30 p.m.; Marshall S. Little (HFX-440), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3429.

General function of the committee. Advises on technical feasibility and reasonableness of performance standards for electronic products to control the emission of radiation.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of proposed microwave diathermy standard; proposed standard for sunlamps; proposed amendments to diagnostic X-ray standard; report on mercury vapor lamps; report on quantitative analysis of medical X-ray images; report on guidelines on medical X-ray practices and procedures.

Closed committee deliberations. Discussion of agenda items shown under open session above. These portions of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions

listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: February 13, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-4985 Filed 2-20-76;8:45 am]

RADIOLOGICAL HEALTH ADVISORY COMMITTEES

Request for Nominations for Members

The Food and Drug Administration is requesting nominations for new members for radiological health advisory committees. Nominations are due by April 2, 1976.

The Secretary of Health, Education, and Welfare and, by delegation, the Commissioner of Food and Drugs, and the Director, Bureau of Radiological Health, are charged with the administration of those portions of the Public Health Service Act (42 U.S.C. 217a, 263b, 263f) that are designed to protect the public health from hazardous radiation emissions from electronic products.

The Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) and the Medical Radiation Advisory Committee (MRAC) are charged with advising and consulting with the Commissioner on matters related to radiological health as described below.

The Commissioner requested, in a notice published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12833), nominations of qualified persons to replace members of the committees mentioned above whose terms expired in 1975. Eligible individuals nominated in response to that publication who did not receive committee appointments will be reconsidered for the vacancies announced herein. The names and affiliations of those appointed pursuant to the March 21, 1975 request for nominations follow:

New members on the TEPRSSC are:

(1) *Public sector*—Dr. Edward L. Alpen, Director, Donner Laboratory of Medical Physics, University of California.

(2) *Industrial sector*—Dr. Thomas Ely, Assistant Director, Health and Safety Laboratory, Eastman Kodak Company; Dr. Jay A. Stein, Director of Research and Development, American Science and Engineering, Inc.

(3) *Government sector*—Mr. Thomas Gerusky, Director, Bureau of Radiological Health, Commonwealth of Pennsylvania; Dr. William A. Mills, Director, Criteria and Standards Division, Environmental Protection Agency.

New members appointed to the MRAC are: Dr. Thomas Carlile, Breast Cancer Detection Clinic, Seattle, Washington; Dr. Herman Grossman, Department of Radiology, Duke University Medical Center; Dr. John L. McClenahan, Philadelphia, Pennsylvania.

All interested persons are invited to nominate qualified candidates for consideration as members of the following committees:

TECHNICAL ELECTONIC PRODUCT RADIATION SAFETY STANDARDS COMMITTEE

The Technical Electronic Product Radiation Safety Standards Committee, established by the Secretary pursuant to section 358(f)(1)(A) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), must be consulted before the Secretary prescribes any performance standard for electronic product radiation safety.

Since its inception in 1969, the TEPRSSC has provided valuable technical and scientific advice to the Bureau of Radiological Health, Food and Drug Administration, on the development of electronic product radiation safety performance standards. Thus far, regulatory performance standards have been issued under 21 CFR Chapter I, Subchapter J, for television receivers, cold-cathode gas discharge tubes, microwave ovens, diagnostic x-ray systems and their major components, cabinet x-ray equipment (including x-ray baggage inspection devices for use at airports and similar facilities), and laser products. The Committee meets approximately twice each year and occasionally reviews documents transmitted by mail.

Other electronic products for which performance standards may be issued in the future include equipment used for ultrasound therapy, microwave diathermy, and ultraviolet irradiation.

Pursuant to section 358(f) of the act, members will be appointed by the Commissioner after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety. Each member shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. As required by the act, the Committee is composed of 15 members selected as follows:

1. Five from governmental agencies including State and Federal governments;

2. Five from the affected industry, after consultation with industry representatives; and

3. Five from the general public, of which at least one shall be representative of organized labor.

Effective December 31, 1976, two members from industry, two from the public sector, and one member from the governmental sector will complete their terms and may be replaced.

Nominations are solicated for engineers or scientists qualified in electronic product radiation safety to fill these vacancies for a 3-year term. Nominations are invited from consumer, industry, government, and professional organizations, and should be sent with accompanying information to:

Mr. Marshall S. Little, Executive Secretary, TEPRSSC, Food and Drug Administration, Bureau of Radiological Health (HFX-440), 5600 Fishers Lane, Rockville, MD 20852.

MEDICAL RADIATION ADVISORY COMMITTEE

The Medical Radiation Advisory Committee was established under the name Medical X-ray Advisory Committee on October 31, 1963, pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a). It was renamed the Medical Radiation Advisory Committee on June 25, 1970. The Committee advises and consults with the Commissioner on the formulation of policy and development of a coordinated national program relating to application of ionizing radiation to obtain maximum diagnostic information and therapeutic benefit per unit of radiation exposure to the public.

The MRAC meets approximately twice each year and has provided advice to the Bureau of Radiological Health, Food and Drug Administration, on programs related to medical and dental use of x-ray equipment, training of medical radiation users, nuclear medicine, and the development of policy statements on the effective use of medical radiation.

Among its current activities, the Committee reviews qualifications of operators of x-ray equipment; reviews radiological training programs; advises on equipment requirements, guidelines and standards; and considers efficacy in relation to the

reduction of unnecessary radiological examinations.

The Committee consists of 13 members, including the chairman. Members are selected and the chairman is appointed by the Commissioner from authorities knowledgeable in the fields of medicine, dentistry, health sciences, engineering, public health, and related technology. Members are invited to serve 4-year terms. Effective July 1, 1976, there will be a total of three vacancies on this Committee. Interested persons are invited to submit names of qualified candidates and accompanying information to:

William S. Cole, M.D., Executive Secretary, MRAC, Food and Drug Administration, Bureau of Radiological Health (HFX-4), 5600 Fishers Lane, Rockville, MD 20852.

NOMINATIONS AND ACCOMPANYING INFORMATION

To be considered for either of these two committees, each nomination of a qualified person must be received on or before April 2, 1976, and be accompanied by a curriculum vitae that states where the nominee may be contacted, and provides detailed evidence of nominee qualifications, including current employment, and professional affiliations. This information should be sent to the Executive Secretary of the Committee, as set forth above, for which the person is being nominated. Nominations must also state that the person nominated is aware of the nomination, is interested in becoming involved in the effort, and appears to have no conflict of interest.

Dated: February 13, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4984 Filed 2-20-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Executive Committee of the Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 5:00 p.m. on March 12, 1976, in Room 821 of the Riviere Building at 1832 M Street, NW., Washington, D.C.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Executive Committee shall be open to the public. The agenda for the meeting will include routine administrative business.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on February 18, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-5041 Filed 2-20-76;8:45 am]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended) is amended to: (1) Establish the Division of Health Financing, Office of Policy Development and Planning (OPDP), which includes the transfer to this division of the finance functions from the Division of Health Care Systems; and (2) decentralize certain aspects of the public-use reports clearance function from OPDP to the Office of Regional Operations, Office of the Assistant Secretary for Health and to the Public Health Service (PHS) Agencies, requiring the abolishment of the Division of Data Policy Coordination, OPDP and the amendment of functional statements for other PHS organizational segments.

Section 11-B Organization and Functions is amended as follows:

Delete the statement for the "Office of Policy Development and Planning (1N33)" in its entirety and substitute the following statement:

Office of Policy Development and Planning (1N33). The Director of the Office of Policy Development and Planning serves as the principal advisor to the Assistant Secretary for Health concerning the development of a national health policy and strategy; represents the Public Health Service (PHS) in all health policy development within the Department; directs or conducts PHS health policy development, including selective research and evaluation projects; directs PHS participation in the Department's annual five-year plan, including policy development, research, evaluation, legislative and statistics plans; is the Departmental focal point for the development and coordination of health data and statistical policy and serves as liaison with all components of the PHS and other health related organizations; in coordination with the Office of Administrative Management, PHS, assures health data standardization; provides policy oversight to the PHS for clearance and inventorying of public-use reports; provides leadership and staff support to the DHEW Health Data Policy Committee on the identification of intermediate and long-range health data needs and in the development and modification of data policy objectives; analyzes the effect and relevancy of current policies on health programs, recommending new approaches and initiatives; analyzes developments beyond the PHS which may impact on health policies; directs and guides the efforts of the PHS agencies in planning, evaluation, and policy analysis across the spectrum of health care delivery systems, health protection, and health research; directs the PHS review of plans and strategies for financing health care delivery and resource development; provides support to the Health Insurance Benefits Advisory Council; cooperates with the health related activities of the Assistant Secretary for Planning and Evaluation; and serves as staff to the Assistant Secretary for Health's Policy Board (comprised of the Heads of the PHS Agencies and PHS Staff Offices).

Delete the statement for the "Division of Data Policy Coordination (1N3302)." in its entirety.

Delete the statement for the "Division of Health Care Systems (1N3304)". in its entirety and substitute the following statement:

Division of Health Care Systems (1N3304). The Director of the Division of Health Care Systems, with respect to the health care system activities of the Public Health Service, which includes health services, resources, planning, regulation and financing: evaluates health programs and policies; conducts special evaluations of programs which impact on national health policies; provides general guidance and assistance, and reviews general plans and strategies for consistency with overall policy; provides systematic, continuing analysis of current expenditures, facilities, manpower, institutions and other critical resources to assist the Assistant Secretary for Health in planning health policy within the context of national needs and resource capabilities; provides analyses of current and prospective developments and findings from research which may impact on health policy and legislation; coordinates relevant agency planning activities; and cooperates with the Division of Health Financing in coordinating interagency research activities in health financing.

After the statement for the "Division of Health Research (1N3307)." add the following statement:

Division of Health Financing (1N3308). The Director of the Division of Health Financing: provides general guidance and assistance and reviews plans and strategies for financing health care delivery and resource development, including various forms of national health insurance and other third-party payment systems, revenue sharing, and prospective and incentive reimburse-

ment; provides systematic, continuing analyses of expenditures, costs, and charges for health care, the health implications of changes in the economy, and other critical economic and financial parameters to assist the Public Health Service (PHS) in developing and planning health policies and programs within the context of national needs and national resources; develops and analyzes financing issues related to the PHS health care programs, including health services grants and delivery and resource development, provides staff support to the PHS Steering Committee on National Health Insurance, and develops and coordinates PHS analyses of policy issues related to national health insurance, including impact and implications of national health insurance on the PHS; develops and analyzes health financing policy issues and regulations related to the Medicare and Medicaid programs; provides staff support to the Health Insurance Benefits Advisory Council and develops policy issues and alternatives for their consideration; and, develops and analyzes policy issues related to inter-agency research activities in health care financing, and collaborates with the Division of Health Research in the conduct of section 222 (Pub. L. 92–603) research projects.

The following Parts and Chapters in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare are amended to include the reports clearance function:

Under the heading entitled "Office of Regional Operations (1N37)," amend the statement for the "Office of Regional Program Support (1N3705)" by adding the following as the last sentence of the text: "Reviews public-use reports and plans originating in the PHS Regional Offices."

Part 7, Chapter 7, Health Resources Administration (39 FR 1456 1/9/74, as amended), Section 7–B, "Organization and Functions," is amended as follows: Under the heading entitled "Office of Planning, Evaluation, and Legislation (7A31)," amend the statement for the "Division of Evaluation (7A3103)," by adding the following as the last sentence: "(5) coordinates HRA's public-use reports clearance."

Part 9, Chapter 9, Center for Disease Control (39 FR 1461 1/9/74, as amended), Section 9–B, "Organization and Functions," is amended as follows: Under the heading entitled "Office of Program Planning and Evaluation (9A 15)," add the following as the last sentence of the text: "(7) Coordinates CDC's public-use reports clearance."

Part 13, Chapter 13, Alcohol, Drug Abuse, and Mental Health Administration (39 FR 1654 1/11/74, as amended), Section 13–B, "Organization and Functions," is amended as follows: Under the heading entitled "Office of Program Planning and Evaluation (CA11)," add the following as the last sentence of the text: "(6) coordinates ADAMHA's public use reports clearance."

Dated: February 17, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–5049 Filed 2–20–76;8:45 am]

Office of the Secretary

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Biomedical Research Panel on March 14, 15 and 16, 1976, in Suite 3100, 2401 E Street, NW., Washington, D.C. 20506.

The meeting will be open to the public from 7:30 p.m. to 10:00 p.m. on March 14 and from 9:00 a.m. to 5:00 p.m. on both March 15 and 16. Attendance by the public will be limited to space available. The agenda will be a discussion of options of possible recommendations for the Final Report of the President and the Congress.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director of the Panel (202–634–1907), Suite 3100, 2401 E Street, NW., Washington, D.C. 20506.

All requests for information should be directed to Ms. Rosemarie Lazo at the above address.

Dated: February 17, 1976.

CHARLES U. LOWE,
Executive Director.

[FR Doc.76–5045 Filed 2–20–76;8:45 am]

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation, coordination of activities of Federal agencies, provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and other private organizations; and develop information designed for dissemination to the general public.

The Committee will meet on Wednesday, March 17, 1976, registration in the afternoon and a general session from 7:30 p.m. to 9:30 p.m.; Thursday, March 18, 1976, 9:00 a.m. to 5:00 p.m.; and Friday, March 19, 1976, 9:00 a.m. to noon at the Holiday Inn, I–95 at Atwell Avenue, Providence, Rhode Island. The meeting will be a regional public symposium to enable the Committee to gain information about the accomplishments, issues, and needs for programs in mental retardation and related disabilities in the States and Jurisdictions of Regions I and II. There will also be discussion of future goals and strategies for implementing these goals in the years to come. The following States will participate: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, and the jurisdictions of Puerto Rico and the Virgin Islands. These meetings are open to the public.

Dated: February 6, 1976.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.76–5046 Filed 2–20–76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part I of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education and Welfare is amended to include the following changes in Chapter 1T90, Office of Personnel and Training (38 FR 34753, 12/18/73) as follows:

1. Delete from Section 1T90.10 "Organization."

Division of Security

2. Delete from Section 1T90.20 "Functions."

11. Division of Security

3. Add to Section 1T90.20 "Functions."

9. *Office of Personnel Policy and Planning.* * * * Establishes and maintains an internal employee security program and an internal physical security program including document security and facility protection.

Dated: February 12, 1976.

JOHN OTTINA,
Assistant Secretary, for Administration and Management.

[FR Doc.76–5048 Filed 2–20–76;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions and Delegations of Authority

Part 2 (Office of Education), Section 2–B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education and Welfare is hereby amended as follows:

The statement published in the FEDERAL REGISTER on April 26, 1974, at 39 FR 14739 is amended by deleting, under the heading "Bureau of Postsecondary Education", the heading "Division of Student Support and Special Programs" and the statement following immediately thereafter.

Under the heading, "Bureau of Postsecondary Education", the following statements are added immediately after the statement following the heading "Division of Basic and State Student Grants" (published in the FEDERAL REGISTER of October 9, 1974, at 39 FR 36368).

Division of Student Financial Aid. Administers a program to enable students of exceptional financial need to pursue postsecondary education by providing grant assistance for educational expenses. Administers a program to promote part-time employment of students, particularly those with great financial need who require assistance. Administers a program to establish loan funds at eligible postsecondary education institutions to permit needy undergraduate and graduate students to complete their education. Administers a program to provide long-term low interest bearing loans to Cuban nationals who are attending eligible institutions and are in need of the funds to pursue their course of study. Provides program support for regional offices to enable them to carry out those functions delegated to the regional offices by the Commissioner.

Division of Student Services and Veterans Programs. Administers discretionary grant programs which focus on increasing the admission and retention of low-income, disadvantaged individuals in postsecondary education by providing preparatory, supportive and/or information services to one or more of the following groups: Students from low income backgrounds, of cultural need, with physical handicaps and with limited English-speaking ability. Administers a program of payments to institutions, based on formula allotments, intended to encourage colleges and universities to serve the special needs of Vietnam era veterans. Provides program support for regional offices to enable them to carry out those functions delegated to the regional offices by the Commissioner.

Dated: February 11, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-5002 Filed 2-20-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-023]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE-TASK GROUP ON LIQUEFIED GAS FACILITIES

Open Meeting

The Chemical Transportation Industry Advisory Committee's Task Group on Liquefied Gas Facilities will conduct an open meeting on March 10 and 11, 1976, in Room 8332 of the Nassif Building, 400 7th Street SW., Washington, D.C. The meeting of the 10th is scheduled to begin at 9:30 a.m.

The purpose of the meeting is to review the working paper on Liquefied Gas Facilities.

The Chemical Transportation Industry Advisory Committee was chartered by the Commandant of the Coast Guard on July 1, 1975, to provide advice and consultation with respect to safe water transportation of hazardous materials. Members of the committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information or the summary of the minutes of the meeting by writing to:

Mr. W. E. McConnaughey, Executive Director CTIAC, c/o Commandant (G-MHM/83), U.S. Coast Guard, Washington, D.C. 20590.

or by calling 202-426-1477.

This notice is issued under section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: February 18, 1976.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-5058 Filed 2-20-76;8:45 am]

[CGD 76 021]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands of fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 2, 1975 to January 9, 1976 (List No. 28-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/106/1, Model LS-555-DS survival capsule launching winch; approval limited to mechanical components only and for a load of 5,500 pounds on a single fall; identified by assembly drawing 57184, revision B dated November 14, 1975 and drawing list, revision H dated November 14, 1975, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective December 17, 1975. (It supersedes Approval No. 160.015/106/0 dated August 20, 1974 to show minor design changes.)

LAMPS, SAFETY, FLAME, FOR MERCHANT VESSELS

Approval No. 160.016/2/3, Koehler Model 280-1A, naphtha burning, key lock, flame safety lamp, dwg. Nos. 289-1A dated November 10, 1960, 257-42, Rev. A dated May 11, 1966 and 257-30A dated August 12, 1964, manufactured by Koehler Manufacturing Company, Marlboro, Massachusetts 01752, effective January 9, 1976. (It is an extension of Approval No. 160.016/2/3 dated January 4, 1971.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/12/0, Sea Anchor, U.S.C.G. drawing No. MMI-562, and specification dated November 1, 1943, revised August 24, 1944, and Company specification dated February 28, 1961, manufactured by Jacksonville Ship Chandlery & Awning Company, 270 Talleyrand Avenue, Jacksonville, Florida 32202, effective December 18, 1975. (It is an extension of Approval No. 160.019/12/0 dated January 6, 1971 and change of address of manufacturer.)

Approval No. 160.019/18/0, Type RSP-1 sea anchor as per Revere Drawing D 753-110 dated October 20, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective January 5, 1976.

LIFE FLOATS FOR MERCHANT VESSELS

Approval No. 160.027/69/0, 7.0' x 9.0' x 4'' rectangular, laminated fabric-covered, unicellular plastic foam buoyant mat life float; 15-person capacity; Vorenkamp dwg. No. 1, revision 1 dated January 2, 1966, and specification dated January 4, 1966, manufactured by Salerco, Inc., c/o Pan Air Corporation, P.O. Box 26425, New Orleans, Louisiana 70126, effective January 5, 1976. (It is an extension of Approval No. 160.027/69/0 dated December 30, 1970.)

LIFEBOATS

Approval No. 160.035/38/4, 24.0' x 7.75' x 3.33' steel, motor-propelled lifeboat, without radio cabin or searchlight, Class 1, 35-person capacity, identified by general arrangement and construction dwg. No. 24-001-03 dated November 2, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, formerly built by Welin Davit & Boat Division of Continental Copper and Steel Industries Inc., 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=4,305 pounds; Condition "B"=

10,995 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective January 6, 1976. (It is an extension of Approval No. 160.035/38/4 dated February 19, 1971.)

Approval No. 160.035/281/3, 26.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–9S, Rev. A dated January 4, 1971, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=4,170 pounds; Condition "B"=14,083 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 5, 1976. (It is an extension of Approval No. 160.035/281/3 dated January 21, 1971.)

Approval No. 160.035/476/0, 26.0′ x 9.0′ x 3.83′ fibrous glass reinforced plastic (FRP), totally enclosed (covered) Class 1 motor-propelled lifeboat, 43 person capacity identified by "Drawing List for 26 foot Covered Lifeboat" dated July 18, 1975, and general arrangement drawing WBA–9067, Rev. C dated December 3, 1975, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=5,931 pounds; Condition "B"=14,785 pounds, manufactured by Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Michigan 49801, effective January 5, 1976. (It supersedes Approval No. 160.035/476/0 dated September 24, 1975 to show revised general arrangement drawing.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/655/0, child medium, Model No. 207, kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 129, factory location: 308 S. Williams Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective January 7, 1976.

Approval No. 160.047/656/0, child medium, Model No. 63122, kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 151, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/57/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), Type IV PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective January 6, 1976. (It is an extension of Approval No. 160.048/57/0 dated February 10, 1971.)

Approval No. 160.048/226/1, special approval for 14″x17″x2″ rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, second factory location: Highway 80 West, Mineola, Texas 75773, Type IV PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Hardin Drive, Dallas, Texas 75236, effective January 5, 1976. (It is an extension of Approval No. 160.048/226/1 dated January 11, 1971 and change of address of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/7/2, 20-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, Type IV PFD, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by The Plasti-Kraft Corporation, Ozona Industrial Park, Ozona, Florida 33560, effective January 6, 1976. (It is an extension of Approval No. 160.050/7/2 dated February 1, 1971.)

Approval No. 160.050/10/1, 24-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, Type IV PFD, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by The Plasti-Kraft Corporation, Ozona Industrial Park, Ozona, Florida 33560, effective January 6, 1976. (It is an extension of Approval No. 160.050/10/1 dated February 1, 1971.)

Approval No. 160.050/11/1, 30-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, Type IV PFD, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by The Plasti-Kraft Corporation, Ozona Industrial Park, Ozona, Florida 33560, effective January 6, 1976. (It is an extension of Approval No. 160.050/11/1 dated February 1, 1971.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/78/1, 20-person inflatable life raft, identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective December 17, 1975. (It supersedes Approval No. 160.051/78/0 dated April 28, 1975 to show reduced length.)

Approval No. 160.051/79/0, 25-person inflatable life raft with "Limited Service Equipment"; identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, inflation system can use either steel or aluminum cylinders, two (2) in number, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective January 5, 1976.

Approval No. 160.051/80/0, 25-person inflatable life raft with "Ocean Service Equipment"; identified by general arrangement drawing E 741–150, revision 3 dated October 23, 1975 and drawing list dated October 29, 1975, inflation system requires two (2) aluminum cylinders, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective January 5, 1976.

Approval No. 160.051/85/0, 25-person inflatable life raft (circular-type) with "Ocean Service Equipment"; identified by general arrangement drawing SFC–MM–25102 (Revision A) dated December 5, 1975 and drawing list SPC MM 25, dated Decemebr 1, 1975, inflation system requires two (2) aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective January 5, 1976.

Approval No. 160.051/86/0, 25-person inflatable life raft (circular-type) with "Limited Service Equipment"; identified by general arrangement drawing SPC–MM–25102 (Revision A) dated December 5, 1975 and drawing list SPC MM 25, dated December 1, 1975, inflation system can use either steel or aluminum cylinders as shown on Dwg. SPC–LRC–1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective January 5, 1976.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 106.055/102/0, Adult-Non-Standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, Coast Guard letter, file No. 5946/160.055/102 dated February 12, 1974 and Coast Guard letter, file No. 5946/160.055/102 dated July 14, 1975, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Maravia Corporation, 857 Thornton Street, San Leandro, California 94577, formerly Holcombe Industries, Inc., effective December 2, 1975. (It supersedes Approval No. 160.055/102/0 dated July 16, 1975, to show change of name and address of manufacturer.)

MARINE BUOYANT DEVICE

Approval No. 160.064/656/0, adult medium, Model No. 1000, cloth covered unicellular plastic foam "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, factory location: 1514 E. Chestnut Avenue, Trenton, New Jersey 08611, Type III PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521,

formerly American Cotton Yarns, Inc., effective January 7, 1976. (It supersedes Approval No. 160.064/656/0 dated April 25, 1974, to show change under description and change of name of manufacturer.)

Approval No. 160.064/657/0, adult large, Model No. 2000 cloth covered unicellular plastic foam "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, factory location: 1514 E. Chestnut Avenue, Trenton, New Jersey 08611, Type III PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., effective January 7, 1976. (It supersedes Approval No. 160.064/657/0 dated April 25, 1974, to show change under description and change of name of manufacturer.)

Approval No. 160.064/677/0, adult medium, Model No. SM–1000 cloth covered unicellular plastic foam "Sailing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 204, Type III PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., for L. S. Brown Company, 228 Margaret Street SE., Atlanta, Georgia 30315, effective January 7, 1976. (It supersedes Approval No. 160.064/677/0 dated October 9, 1974, to show change under description and change of name of manufacturer.)

Approval No. 160.064/678/0, adult large, Model No. SM–2000, cloth covered unicellular plastic foam "Sailing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, formerly American Cotton Yarns, Inc., for L. S. Brown Company, 228 Margaret Street SE., Atlanta, Georgia 30315, effective January 7, 1976. (It supersedes Approval No. 160.064/678/0 dated October 9, 1974, to show change under description and change of name of manufacturer.)

Approval No. 160.064/850/0, adult X-large, Model No. HP–70, cloth covered unicellular plastic foam "High Performance Buoyant Vest," manufactured in accordance with U.S.C.G. Specification subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective January 7, 1976. (It supersedes Approval No. 160.064/850/0 dated October 3, 1975, to show change under description.)

Approval No. 160.064/851/0, adult large, Model No. HP–60, cloth covered unicellular plastic foam "High Performance Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective January 7, 1976. (It supersedes Approval No. 160.064/851/0 dated October 3, 1975, to show change under description.)

Approval No. 160.064/852/0, adult medium, Model No. HP–50, cloth covered unicellular plastic foam "High Performance Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective January 7, 1976. (It supersedes Approval No. 160.064/852/0 dated October 3, 1975, to show change under description.)

Approval No. 160.064/1007/0, 20-inch, Model No. A–20, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 247, factory location: 1633 N. Milwaukee Avenue, Chicago, Illinois 60647, Type IV PFD, manufactured by The Massalite Company, Box 214, Winnetka, Illinois 60093, effective January 5, 1976. (It supersedes Approval No. 160.-064/1007/0 dated November 14, 1975, to show correct name of manufacturer.)

Approval No. 160.064/1036/0, adult, Model No. SSV–700, cloth covered unicellular plastic foam "Kayak/Canoe Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, second factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, 30th & Division Streets, P.O. Box 1498, St. Cloud, Minnesota 56301, effective December 17, 1976.

Approval No. 160.064/1037/0, adult, Model No. SSV–700, cloth covered unicellular plastic foam "Kayak/Canoe Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, second factory locations: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, 30th & Division Streets, P.O. Box 1498, St. Cloud, Minnesota 56301, effective December 17, 1975.

Approval No. 160.064/1038/0, adult, Model No. SSV–700, cloth covered unicellular plastic foam "Kayak/Canoe Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, second factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, 30th & Division Streets, P.O. Box 1498, St. Cloud, Minnesota 56301, effective December 17, 1975.

Approval No. 160.064/1039/0, child medium, Model No. HP–30, cloth covered unicellular plastic foam "High Performance Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective January 7, 1976. (It supersedes Approval No. 160.064/1039/0 dated November 14, 1975, to show change under description.)

Approval No. 160.064/1040/0, adult, Model No. HP–40, cloth covered unicellular plastic foam "High Performance Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective January 7, 1976. (It supersedes Approval No. 160.064/1040/0 dated November 14, 1975 to show change under description.)

Approval No. 160.064/1061/0, adult, Model No. RVA, vinyl dipped unicellular plastic foam, "Recreational Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, Texas 76307, effective December 17, 1975.

Approval No. 160.064/1062/0, adult, Model No. C, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 202, factory location: 2228 Blake Street, Denver, Colorado 80205, Type III PFD, manufactured by A. B. Sea Ltd., P.O. Box 9364, Denver, Colorado 80209, effective January 7, 1976.

Approval No. 160.064/1064/0, adult, Model No. VAXXL, vinyl dipped unicellular plastic foam, "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 North Beverly Drive, Wichita Falls, Texas 76307, effective December 17, 1975.

Approval No. 160.064/1071/0, child medium, Model No. 63095–004, cloth covered unicellular plastic foam "Canoe/Kayak Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III, PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

Approval No. 160.064/1072/0, adult, Model No. 63095–006, cloth covered unicellular plastic foam "Canoe/Kayak Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

Approval No. 160.064/1073/0, adult, Model No. 57831–003, cloth covered unicellular plastic foam "Buoyant Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

Approval No. 160.064/1074/0, adult, Model No. 57831–004, cloth covered unicellular plastic foam "Buoyant Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

Approval No. 160.064/1075/0, adult, Model No. 57831–006, cloth covered unicellular plastic foam "Buoyant Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

Approval No. 160.064/076/0, adult, Model No. 57831–007, cloth covered unicellular plastic foam "Buoyant Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 60684, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective January 7, 1976.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/63/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 92–01, Alt. 0, Model SWTP–H, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective January 6, 1976. (It is an extension of Approval No. 161.005/63/0 dated February 2, 1971.)

Approval No. 161.005/65/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 90–01, Alt. 0, Model SWT4–H, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective January 6, 1976. (It is an extension of Approval No. 161.005/65/0 dated February 2, 1971.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/72/0, 400 Series safety relief valves for compressed gas service, identified in Sage Valve Catalog dated April 1970, manufactured by Sage Engineering and Valve Company, 1463 Brittmoore Road, Houston, Texas 77024, effective January 6, 1976. (It is an extension of Approval No. 162.018/72/0 dated February 11, 1971.)

Approval No. 162.018/73/0, 600 Series safety relief valve for compressed gas service, identified in Sage Valve Catalog dated April 1970, manufactured by Sage Engineering and Valve Company, 1463 Brittmoore Road, Houston, Texas 77024, effective January 6, 1976. (It is an extension of Approval No. 162.018/73/0 dated February 11, 1971.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.099/93/0, "Calsilite" asbestos-hydrous calcium silicate type incombustible material without covering, identical to that described in Ruberoid letter dated March 10, 1966, and U.S.C.G. letter dated March 29, 1966, manufactured by GAF Corporation, 114 Canal Street, South Bound Brook, New Jersey 08880, effective January 5, 1976. (It is an extension of Approval No. 164/93/0 dated January 12, 1971.)

Dated: February 17, 1976.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–5059 Filed 2–20–76;8:45 am]

Federal Aviation Administration

FLIGHT SERVICE STATION AT WASHINGTON NATIONAL AIRPORT

Notice of Relocation

Notice is hereby given that on or about February 21, 1976, the Flight Service Station at Washington National Airport, Washington, D.C., will be relocated to Leesburg, Virginia, where it will be collocated with the Air Route Traffic Control Center. It will continue to provide service to the general aviation public without interruption at the new location. Communications to the Flight Service Station should be addressed as follows:

Washington Flight Service Station, Department of Transportation, Federal Aviation Administration, Air Route Traffic Control Center, Intersection Routes 7 and 654, Leesburg, Virginia 22075

(Sec. 313(a), 72 Stat. 752; 40 U.S.C. 1354)

Issued in New York, N.Y. on February 10, 1976.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76–5102 Filed 2–20–76;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Thursday, March 11, and Friday, March 12, 1976, in the Harrisburg, Pennsylvania area, at the Sheraton Harrisburg Inn, I–83 and the Pennsylvania Turnpike, New Cumberland, Pennsylvania.

The Committee was established to provide advice to the Federal Railroad Administration (FRA) concerning solutions to problem areas involving the operating rules of the nation's railroads.

This meeting is being held in Harrisburg, Pennsylvania, in keeping with the FRA's policy of scheduling Advisory Committee meetings at locations throughout the country so as to facilitate public participation by railroad labor and management personnel and other interested persons. The agenda for this meeting will include a continuation of the discussion of the "leading causes of train accidents attributed to negligence of employees" as stated by the National Transportation Safety Board in its special study entitled "Train Accidents Attributed to the 'Negligence of Employees'" (NTSB–RSS–72–1). In addition, the Committee will also receive a briefing on the railroad safety program of the Pennsylvania Public Utility Commission, particularly as it relates to railroad operating rules.

The entire meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of Chief Counsel, Federal Railroad Administration, (202) 426–8220, at least five days prior to the meeting, if possible, and reasonable provision will be made for their appearance on the agenda. The public will also be provided the opportunity to participate in the Committee discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Issued in Washington, D.C. on February 17, 1976.

BRUCE M. FLOHR,
Deputy Administrator Committee Chairman.

[FR Doc. 76–5023 Filed 2–20–76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75–29; Notice 2]

ADVANCE MIXER, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

This notice denies the petition by Advance Mixer, Inc. ("AMI"), Fort Wayne, Indiana, for an exemption until March 1,

1976, from Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, 49 CFR 571.121.

Notice of the petition was published on October 16, 1975 (40 FR 48546), and an opportunity afforded for comment.

From its incorporation in mid-1972 until November 1974 AMI was a final-stage manufacturer, adding its own patented front discharge mixer unit to truck chassis supplied by Walter Motor Truck Company, which certified the vehicle after completion as conforming to all applicable Federal motor vehicle safety standards. In November 1974 AMI became a manufacturer of motor vehicles, by producing complete mixer trucks. It manufactured 23 such vehicles between that time and September 5, 1975, 21 of which, according to petitioner, do not comply with Standard No. 121. The vehicles apparently cannot meet "stopping distances within the specified lane, the prohibition against wheel lock up and the required dynamometer test on brake assemblies." It anticipated that it will have produced and introduced into production by March 1, 1976, "complying axles with proper anti-skid equipment attached." In the interim, 27 additional non-complying trucks would be manufactured.

The company attributed its lack of compliance and tardiness in filing an exemption petition to its former general manager who did not contact "manufacturers of anti-skid equipment" until AMI became a vehicle manufacturer in November 1974.

As an alternate means of compliance, AMI contacted Oshkosh Truck Co. but was unable to locate a complying "driven front steering axle." The company had a net profit of $8,300 in July 1975 but a net loss of $102,000 in the first 11 months of its 1975 fiscal year. Its cumulative net loss since incorporation in 1972 appears to be $397,000 as of July 31, 1975. Denial of the petition allegedly would cause AMI to cease operations. The company argued that an exemption would be in the public interest because exempted vehicles would have braking characteristics substantially similar to its competitors, Rite-Way, Inc. of Indiana and Travel Batcher, which have already been exempted by NHTSA.

As the prior notice commented, this petition raises the question whether a manufacturer who has knowingly manufactured nonconforming vehicles can be found to have attempted in good faith to meet the requirements of the standard, as the statute requires (15 U.S.C. 1410(a)(7)(A)).

The sole comment received on the petition, by Oshkosh Truck Corporation, opposed it. Oshkosh stated that both it and Rockwell could supply AMI with a driving steerable front axle of sufficient capacity to meet Standard No. 121, and that it had given petitioner a price quotation. Oshkosh fears the competitive advantage that an exemption would provide AMI in bidding for contracts in the ready-mix market. Finally it expresses its hope that the noncomplying vehicles "will be recalled as required by the Motor Vehicle and School Bus Safety Amendments of 1974."

Pursuant to section 123(a)(1)(A) of the National Traffic and Motor Vehicle Safety Act, the Administrator may temporarily exempt a manufacturer if he finds

> "(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted."

Because of its continuing and cumulative net loss condition there is little doubt that immediate compliance (*i.e.* discontinuance of production until conforming vehicles can be produced) would cause AMI substantial economic hardship within the meaning of the Act. The evidence does not however, support a finding that the company has in good faith attempted to comply with Standard No. 121. That regulation was proposed and adopted before AMI began its existence in 1972 as a final-stage manufacturer and has been the topic of widespread discussion within the industry since. The manufacture of noncomplying vehicles after March 1, 1975, with the knowledge that it should have conformed constitutes a wilful violation of the standard, and overrides any argument for good faith efforts at conformity.

The company also argued that if the exemption was denied, it would have to cease operations. It is by no means clear, however, that an exemption would allow it to become a viable economic entity. The company has lost almost $400,000 in its 3 years of existence, producing a vehicle protected by patents, which the NHTSA understands will shortly expire. Thus, petitioner's financial difficulties have existed during its entire corporate existence, irrespective of attempts to meet Standard No. 121.

Finally, with respect to notification and recall, AMI believes that the noncompliances are inconsequential and has asked, pursuant to section 157 of the Act, that it be relieved of its obligations to notify and remedy. It is anticipated that a notice requesting public comment on the issue will appear shortly in the FEDERAL REGISTER.

For the above reasons, it is found that AMI did not in good faith attempt to comply with the standard from which it requests to be exempted, and its petition is hereby denied.

(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 18, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-5254 Filed 2-20-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

FEDERAL REGISTER

Proposed Recommendation on Strengthening the Informational and Notice Giving Functions

The Administrative Conference's Committee on Rulemaking and Public Information has under consideration the proposed recommendation set forth below.

The recommendation is intended to improve the useability and effectiveness of the Federal Register System. In particular, the recommendation seeks to coordinate the centralized informational and notice going functions of the Federal Register with similar functions performed by individual agencies.

All interested persons are invited to submit comments on the proposed recommendation in writing by March 15, 1976, to the Executive Director, Administrative Conference of the U.S., Suite 500, 2120 L Street, NW., Washington, D.C. 20037. Comments will be available for public inspection at the above address during normal business hours.

Primary Role of the Federal Register: Publication of Legal Documents of General Applicability. The Federal Register Act and the Administrative Procedure Act require each agency to publish in the FEDERAL REGISTER legal documents that affect people generally, such as descriptions of the agency's organization and functions, texts of the agency's substantive and procedural rules, notices of proposed rule making issued by the agency, and general statements of policy or interpretations of general applicability formulated and adopted by the agency. The Office of the Federal Register serves as an official depository for the filing of these documents, and their publication in the FEDERAL REGISTER provides the public with notice of their contents. Informing the public on these matters of general applicability is the primary role of the FEDERAL REGISTER. Agencies should therefore act to insure that all documents of general applicability are published in the FEDERAL REGISTER, including interpretations and policy statements initially appearing in adjudicatory opinions, press releases and instructions to agency staff.

Documents of general applicability required to be published in the FEDERAL REGISTER by the Federal Register Act and the Administrative Procedure Act normally remain in effect until changed by subsequent agency action. In many instances, however, documents that are of continuing interest to the public are not preserved in the annual editions of the Code of Federal Regulations. Since most subscribers do not retain the bulky daily editions of the FEDERAL REGISTER for more than one year, the bound volumes of the Code replace prior daily editions of the FEDERAL REGISTER as the standard reference source available to the public. The preservation of additional documents of general applicability would therefore strengthen the primary, informational role of the FEDERAL REGISTER.

Secondary Role of the Federal Register: Publication of Public Notices on Adjudicatory Matters. Congess has enacted a considerable number of statutes that specifically require agencies to publish in the FEDERAL REGISTER notices of applications, hearings or decisions in adjudicatory proceedings. In addition, agencies have often obtained the approv-

al of the Director of the Federal Register to publish in the FEDERAL REGISTER notices on adjudicatory matters despite the absence of an express publication requirement. Statutory requirements and agency practices with respect to the publication of notices on adjudicatory matters thus conform to no coherent pattern but vary widely between agencies and between different types of proceedings. The number of notices published has increased greatly in recent years and there is a danger that the resulting sea of notices will not adequately inform interested persons of applications or other proceedings that affect them.

The notice giving function performed by the FEDERAL REGISTER with respect to adjudicatory matters is subordinate to the FEDERAL REGISTER's primary role as an official depository and readily available source of documents of general applicability. It should be limited to the publication of public notices intended to inform interested persons of the opportunities available to comment or otherwise participate in particular proceedings. This legitimate notice giving role of the FEDERAL REGISTER should be strengthened by improving the format and organization of the notices that are published. There is also a need to review whether specific categories of notices that primarily interest a limited or specialized audience might be published in a separate FEDERAL REGISTER publication that requires a special subscription fee. Individual subscribers to the FEDERAL REGISTER should not be required to pay for and receive bulky categories of notices (e.g., ICC motor carrier applications) that they know do not interest them.

RECOMMENDATION

A. PRESERVATION OF DOCUMENTS IN THE CODE OF FEDERAL REGULATIONS

The Administrative Committee of the Federal Register should require each agency to the maximum extent practicable to codify or otherwise preserve in the Code of Federal Regulations documents of general applicability that are published in the FEDERAL REGISTER and are of continuing interest to members of the public. These efforts should include at least the following steps.

1. The Administrative Committee should act to preserve in the Code of Federal Regulations descriptions of each agency's organization and functions (including delegations of authority) required to be published in the FEDERAL REGISTER under sections 552(a)(1) (A) and (B) of the Administrative Procedure Act. At present, approximately one-half of the federal agencies publish these descriptions and changes therein only in the Notices section of the FEDERAL REGISTER and do not compile them in an accessible form in the Code of Federal Regulations. All agencies have an obligation to inform the public of their organization and functions by publishing a complete and informative description in each year's edition of the Code of Federal Regulations. Subsequent changes in an agency's description of its organization and functions should appear in the Rules and Regulations section of the FEDERAL REGISTER where the codification system adopted for use in the Code controls the order of publication and provides a useful finding aid for subsequent developments.

2. The Administrative Committee and the agencies should act to preserve in the Code of Federal Regulations those statements of basis and purpose (or portions thereof) accompanying the publication in the FEDERAL REGISTER of newly promulgated rules that are of continuing interest to members of the public. If the preservation of an agency's basis and purpose statements in successive editions of the Code of Federal Regulations is likely to become cumbersome, the texts of the statements prepared by that agency during each preceding year should be reprinted only once in that year's edition of the Code of Federal Regulations, either at the end of the title or chapter assigned to the agency or in a special Code volume with statements from other agencies, so that subscribers to the Code are at least able to preserve the statements in composite, bound form. Additionally, the annual editions of the Code of Federal Regulations should supply at the appropriate places in the codification the FEDERAL REGISTER citations to pending rule making proceedings that affect present regulations or add new regulations.

B. PUBLICATION IN THE FEDERAL REGISTER OF INTERPRETATIONS OF GENERAL APPLICABILITY AND STATEMENTS OF GENERAL POLICY

Agencies often articulate policy that affects people generally through the issuance of interpretations of general applicability and statements of general policy. Section 552(a)(1)(D) of the Administrative Procedure Act requires that each agency currently publish in the FEDERAL REGISTER for the guidance of the public those "statements of general policy or interpretations of general applicability formulated and adopted by the agency." Despite this publication requirement, surprisingly few interpretative releases or policy statements are published in the FEDERAL REGISTER. To rectify this situation and more fully inform the public, each agency should act to insure the publication in the FEDERAL REGISTER of all interpretations of general applicability and all statements of general policy formulated and adopted by it, including interpretations or policy statements appearing in precedent-setting adjudicatory opinions and in instructions to staff. Normally these documents should be published in the Rules and Regulations section of the FEDERAL REGISTER. They should be codified or otherwise preserved in the Code of Federal Regulations when they are of continuing interest to the public.

C. STANDARDS FOR PUBLICATION IN THE FEDERAL REGISTER OF NOTICES ON ADJUDICATORY MATTERS

Congress should consider the following standards in determining whether to impose new publication requirements and in reviewing existing publication requirements. The director of the Federal Register should also observe these standards in exercising his discretionary authority to allow the publication of notices in the FEDERAL REGISTER that are not required by law to be published. In all cases agencies should not solely rely on the publication of notices in the FEDERAL REGISTER to afford legal notice to interested persons if other forms of public notice are practicable.

1. The FEDERAL REGISTER should not be used to publish the texts of agency orders and opinions in adjudicatory proceedings or notices of those decisions if there is no further opportunity available for interested persons to comment or otherwise to participate in the proceeding. Statements of general applicability formulated and adopted by an agency in an adjudicatory opinion should be published in the FEDERAL REGISTER in accordance with paragraph B of this Recommendation. Supplementary agency publications that contain the texts of agency orders and opinions in adjudicatory proceedings should be listed in the Code of Federal Regulation at the head of the applicable title or chapter assigned to the agency and should be described in greater detail in the agency's regulations published in the Code.

2. The FEDERAL REGISTER should be used to publish notices of applications, hearings and other pending adjudicatory matters only if the notices are public notices intended to inform interested persons who are not personally notified as parties to the proceeding of the opportunity to comment or otherwise to participate in the proceeding.

3. It is neither necessary nor desirable for all public notices on adjudicatory matters to be published in the FEDERAL REGISTER. Specific categories of public notices (for example, notices of applications or hearings under a specific statutory provision) should not be published if there is little or no public interest in the proceedings or if the publication of the notices in the FEDERAL REGISTER is unlikely to inform interested persons of pending adjudicatory proceedings who otherwise would not receive notice thereof. The Office of the Federal Register should nevertheless print in the monthly, quarterly and annual indexes to the FEDERAL REGISTER or at some other convenient place a list or lists of the categories or types of public notices issued by each agency to inform interested persons of adjudicatory matters. The list should designate which public notices appear in the FEDERAL REGISTER and which do not. The nature and distribution of the various categories of public notices should be described in greater detail in each agency's regulations in the Code of Federal Regulations.

D. FORMAT FOR PUBLICATION IN THE FEDERAL REGISTER OF NOTICES ON ADJUDICATORY MATTERS

1. The Administrative Committee of the Federal Register should act to require that notices on adjudicatory matters that

are published in the FEDERAL REGISTER adopt an appropriate public notice format. The notice that appears in the FEDERAL REGISTER should briefly inform interested persons of the nature of the proceeding, the agency's legal authority, the matters of fact and law asserted, and the opportunities available to comment or otherwise to participate in the proceeding and should designate an agency official interested persons may contact for additional information. The published notice should not ordinarily contain the text of any agency order or opinion or a detailed recitation of the legal or factual contentions of the agency or other parties to the proceeding.

2. Agencies that publish notices on adjudicatory matters in the FEDERAL REGISTER should publish them as early in the proceeding as practicable (e.g., at the time an application is filed rather than solely when the agency orders a hearing on the application). An agency may also highlight specific applications or hearings where public participation is particularly important by publishing notices thereof in the FEDERAL REGISTER even though the agency does not publish notices of other applications or hearings under the same statutory provision.

3. The Administrative Committee of the Federal Register should act to permit subscribers to the FEDERAL REGISTER to subscribe separately to the Notices Section of the FEDERAL REGISTER or to categories of notices designated by the Administrative Committee of the Federal Register as suitable for separate publication.

Dated: February 11, 1976.

EMMETT J. GAVIN,
Executive Director.

[FR Doc.76-4968 Filed 2-20-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-2-60; Dockets 26057 and 26075; Agreement CAB 25593]

NATIONAL AIRLINES, INC. AND BRITISH AIRWAYS

Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on 17th day of February, 1976.

By joint application filed December 4, 1975 National Airlines, Inc. and British Airways have requested prior Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) and Subpart P of the Board's Rules of Practice, 14 CFR 302.1601, of an agreement executed on December 4, 1975 aimed at reducing scheduled maximum capacity levels between Miami and London. This agreement resulted from talks held in London on June 19, 1975, pursuant to authority granted by order 75-3-55, dated March 18, 1975, and in Washington on November 12, 1975, pursuant to authority granted by order 75-9-11, dated September 4, 1975.[1]

Two previous capacity agreements in the Miami-London market have been approved. By order 74-2-93, dated February 22, 1974, an agreement which ran from that day until March 31, 1974 was approved. By order 74-10-6, dated October 2, 1974, an agreement which ran from November 1, 1974 to April 30, 1975 was approved. At the present time, there is no agreement in the subject market where British Airways provides daily round-trip service with B-747 aircraft, and National provides daily round-trip service with DC-10-30 aircraft.

The agreement will be implemented upon Board approval and is scheduled to continue until April 30, 1977. Under the terms of the agreement, the applicants have agreed upon the following ceilings for scheduled frequencies:

JANUARY 15, 1976 THROUGH MAY 15, 1976

British Airways: 5 B-747 round trips per week (with no scheduled service Tuesday and Wednesday).

National: 5 DC-10 round trips per week (with no scheduled service eastbound Wednesday and Sunday; and westbound Monday and Thursday).

MAY 16, 1976 THROUGH APRIL 30, 1977

British Airways: 6 B-747 round trips per week (with no scheduled service Tuesday).

National: 6 DC-10 round trips per week (with no scheduled service eastbound Sunday and westbound Monday).

Because of the disparity in seating capacity between National's DC-10-30 aircraft (approximately 261 saleable seats) and British Airway's B-747 aircraft (approximately 380 saleable seats), and also because of the British Government's insistence upon parity of scheduling, the agreement provides further that for each of its scheduled flights "British Airways shall not sell or offer to sell * * * more than 275 seats (including 28 first-class seats) for total on board revenue and nonrevenue passengers, excepting only full-time or retired British Airways and National employees."

Notwithstanding the proposed limitations on scheduled frequencies, mentioned above, the agreement will permit the parties to operate a limited number of extra sections during certain high peak periods, to wit:

3 during May 1976;
1 during June 1976;
4 during July 1976;
2 during August 1976;
3 during September 1976;
3 during December 1976; and
3 during January 1977.

For National, an extra section is defined as an additional round-trip flight. For British Airways, an extra section is defined as the equivalent of an additional 275 round-trip seats (including 28 first-class seats), which may be filled either by operating additional aircraft or by selling seats from those areas of regularly scheduled flights normally subject to seating limitations.

The agreement also provides for: (1) temporary suspension of the agreement during periods of cessation or curtailment of service due to a labor dispute or other cause beyond the control of the affected party; (2) termination of the agreement by either party upon 30 days' notice; and (3) the exchange of data between the parties showing the total number of passengers carried each calendar month.

In support of the application, it is asserted that the agreement by providing for significant reductions in capacity will yield substantial fuel savings which will improve the respective economies of the two carriers. Under the agreement, both carriers estimate that, during the term of the agreement, they will operate 86 less round-trip flights than they would otherwise. British Airways anticipates that it will save approximately 6,260,800 gallons of fuel during the period of the agreement; while National anticipates fuel savings of approximately 4,472,000 gallons. In the case of National, it is noted that its fuel prices on the Miami-London route rose from approximately 11 cents per gallon in October of 1973 to 33 cents per gallon in August of 1975—an increase of 200 percent in less than two years. Moreover, further increases in fuel costs are expected during the term of the agreement. Accordingly, it is projected, at a minimum, that National's savings from implementation of the agreement would equal some $1,475,760 (33 cents × 4,472,000 gallons) over its term.

In achieving the fuel and cost savings noted, the applicants do not believe that the quality of service offered to the traveling public will be significantly affected. They have submitted data which, assuming the agreement is approved and there is a growth rate in the subject market of 10 percent, indicate, in their view, that service will be adequate (with an average of 84 empty round-trip seats each day; and a projected seat factor of 68.6 percent). Conversely, if no agreement is approved, they assert that there would be severe excess capacity in the market (with an average of 379 empty round-trip seats each day; and a projected seat factor of 40.8 percent).[2]

The applicants believe that the use of a seating limitation is "an essential ingredient to achieving this agreement for both commercial and governmental policy reasons." It is their view that, because of the insistence of the British government upon parity of scheduling, no understanding could have been reached to achieve a capacity agreement except on this basis. It is also pointed out that the Government of the United Kingdom recently asked the U.S. Government to take steps to reduce scheduled capacity between the U.S. and U.K

Finally, the applicants believe that the instant agreement meets the test of the *Local Cartage Agreement Case*, 15 C.A.B. 850 (1952), in that it is "required by a serious transportation need, (and) * * * in order to secure important public benefits."

[1] Transcripts of these discussions have been filed with the Board.

[2] By supplemental submission, dated January 16, 1976, National reaffirmed its intention to operate on a daily basis in the event no agreement is approved.

National has requested that it be exempted, pursuant to section 416 of the Act, from the provisions of section 405(b) of the Act, to the extent necessary to permit implementation of schedule changes without 10 days' prior notice to the Postmaster General.

No answers relative to the application have been received.

Upon consideration of the record, and all the factual justifications and data submitted by the applicants, we have concluded that the agreement is not adverse to the public interest and should be approved. In the *Capacity Reduction Agreements Case*, Order 75–7–98, we noted that the use of capacity-limitation agreements in international markets can be distinguished from their use in domestic markets, primarily by the competitive environment in which U.S.-flag carriers are required to compete with foreign air carriers.[3] We have also pointed out that in international markets the desire of several nations to maximize the favorable impact of tourism spending on their balance of payments has fostered a willingness and ability among foreign nations to allow their subsidized flag carriers to sustain the huge operating losses occasioned by the operation of excess capacity. The inability of the Board to effectively gear capacity to traffic demand in international markets through the use of ratemaking standards (such as the load-factor standard adopted in the *Domestic Passenger-Fare Investigation*) further mitigates against the use of unilateral restraint by competing international carriers. Under these circumstances, U.S.-flag carriers may be influenced to meet excess capacity levels in order to protect their competitive market shares.

In this connection, it should be observed that capacity regulation in international markets has not since implementation of the Bermuda-type bilateral agreement with the United Kingdom in 1946 been left wholly to the operation of free competitive market forces. The Bermuda-type agreement specifically contemplates intergovernmental consultation and regulation in the event that the capacity offered by the carriers should, over a significant period of time, be abnormally in excess of "capacity adequate to the traffic demands. * * *" It appears that the traffic in this market is in fact significantly in excess of that which would be adequate for traffic demands, and, accordingly, the probability exists that if the situation were permitted to continue for an excessively long period of time, the United Kingdom might seek regulation of capacity through intergovernmental negotiations. While we are not persuaded that the situation in this market is serious enough to warrant such extreme action, we do believe that the circumstances now prevailing are sufficiently compelling to justify our approval of the carriers' reasonable attempt to resolve the excess-capacity problem by intercarrier agreement, prior to deterioration of the capacity situation to the point where intergovernmental negotiations might be required to resolve the problem. While, for the reasons stated in the *Capacity Reduction Agreements Case*, we have considerable reluctance to resort to intercarrier agreements in lieu of unilateral carrier action in the absence of a very persuasive showing of the clear necessity therefor, we do believe that where such necessity, is demonstrated, and it appears that an artificial remedy is required, intercarrier agreements are far preferable to the alternative of intergovernmental negotiations as a means of capacity regulation.

It further appears that this agreement will in fact result in a significant reduction in flights, which would not occur without the agreement. Accordingly, there will, as alleged by the applicants, be significant benefits arising from the savings of fuel and other costs associated with the reduction in flights. While fuel savings are obviously not as compelling a factor as existed previously, it nevertheless remains an important consideration. (See *e.g.*, the *Energy Policy and Conservation Act of 1975*, which directs the Board to report to Congress by April 30, 1976 on the feasibility and content of programs aimed at reducing U.S. air carrier fuel consumption to 10 percent below the level consumed in 1972.) Nevertheless, these considerations must be carefully weighed against the public-interest detriments, for as we noted in the *Capacity Reduction Agreements Case*, Order 75–7–98, at pp. 13–14, public transportation services are one of the more efficient forms of fuel utilization, in terms of the public interest, and any benefits in this regard could be rapidly dissipated by turning traffic away during peak periods. In this instance, and particularly in view of the factors set forth above, it appears that these benefits will outweigh the anticompetitive detriments.

Additionally, it is clear that the proposed service levels will be adequate to meet the needs of the traveling public. As indicated, National and British Airways anticipate average seat factors in the subject market during the agreement period of 68.6 percent. Although these load factors are high, we do not believe they are either excessive or unreasonable. From the very beginning the Board has made clear that it will not sanction capacity agreements which have a detrimental impact on the traveling public. In some of the domestic agreements, the Board required that additional services be provided when load factors in a particular agreement market exceeded 72 percent, and that certain load-factor data be reported to the Board. (See, for example, Order 74–7–105 at p. 10). Nevertheless, despite the rather high load factors that have been projected, we do not believe it is presently necessary to establish maximum load factor standards for the instant agreement. We will, however, include a reporting condition similar to those appearing in prior orders relating to domestic agreements. Such a condition will provide the Board with data which will enable it to monitor and evaluate the level and quality of service being provided, and if necessary impose such additional conditions as may be in the public interest.

Based on the foregoing special circumstances, it is concluded that a serious transportation need and important public benefits will be achieved by approval of the agreement. It is further found that the above noted needs and benefits sufficiently outweigh the anticompetitive effects of the agreement to justify approval under the standards of the *Local Cartage Agreement Case*, 15 C.A.B. 850 (1952).

The Board is, on the other hand, seriously troubled by the provisions of the agreement which provide for British Airways to "rope off" some 105 seats on each of its B–747 flights. Such a provision has the effect of off-setting much of the economic benefits that support approval of the agreement. The provision guarantees that a certain number of seats will be carried empty, even if traffic is available to fill them. Further, the public is inconvenieced since on peak days when the roped-off seats might otherwise be sold, the passengers will nevertheless be turned away.

We have, nevertheless, reluctantly decided to approve the agreement through October 31, 1976, including the roping-off provision, since the benefits during this period appear to outweigh this serious detriment; the parties urge that it would be impossible to reach an agreement without such a provision; and there are other factors which tend to offset this objectionable feature. In the latter connection, we note that during the winter season (through May 15), the lower levels of traffic should be such that the roped-off seats would not in any event be filled to a major extent, and accordingly the economic detriment of the roping-off provision will be minimized. For the summer season, from May 15 through October 31, the roping-off provision is likely to have its major economic and public interest adverse impact, *i.e.*, when seats would otherwise be filled and passengers who otherwise would be accommodated would be turned away. However, this negative impact is offset to a large degree by the provision in the agreement which gives British Airways significant flexibility during this period to fill some 3,575 of the roped-off seats in the form of extra sections, as the traffic demand may require.

We have concluded, however, that the parties should be required to further explore the possibilities of finding an alternative to the roping-off provisions prior to any approval of the agreement for the 1976–77 winter season. The public interest benefits of the agreement during that season would not, in our view, justify approval of the agreement including the roping-off provisions. In this respect we note that the agreement does not provide for reversion to the five

[3] See Order 75–7–98, at p. 15. See also Orders 75–7–27 and 75–10–77.

weekly frequencies per carrier provided for in the current winter season. We are not persuaded that it would be impossible to find a formula providing for greater reductions during this period; deletion of roping-off provisions; and extra section provisions for compensation of National without permitting a daily service.

The applicants have indicated that they have no plans to use capacity released pursuant to this agreement for charter operations during the period of the agreement. As the Board has repeatedly stated in the past, the transfer of released capacity to nonagreement markets will not be tolerated. Therefore, reporting requirements similar to those imposed in other such agreements to guard against the predatory use of freed capacity will be imposed.[4] Also jurisdiction shall be retained for the purpose of amending or revoking the approval herein at any future date should a showing be made that the public interest so requires.[5]

It is also found that the enforcement of section 405(b) of the Act, requiring 10 days' notice of schedule changes to the Postmaster General will not be an undue burden, and accordingly it is not found necessary to grant an exemption in this regard.

Accordingly, it is ordered, That:

1. Agreement CAB 25593, to the extent that it relates to operations subsequent to the date of this order, be and it hereby is approved pursuant to section 412 of the Act, for a period terminating on October 31, 1976, subject to the following terms and conditions:

(a) Jurisdiction shall be retained to modify or revoke the approval granted herein at any time or to take whatever action may be appropriate in the public interest;

(b) All schedule changes resulting from these agreements shall be reported to the Board within 15 days of the end of each month, in accordance with the format of Appendix A hereto, and copies of such reports shall be provided to all carriers requesting them;

(c) Within 28 days of the date of service of this order, National and British Airways shall file with the Board's Docket Section a report containing the following additional data for the subject market:

(1) Seats operated between January 15, 1974 and October 31, 1974;

(2) Passengers carried between January 15, 1974 and October 31, 1974;

(3) Projected seats between January 15, 1976 and October 31, 1976;

(4) Forecast passengers between January 15, 1976 and October 31, 1976;

(5) Fuel use by month in the subject agreement markets between January 15, 1974 and October 31, 1974;

(6) Fuel use by month for the system of each carrier between January 15, 1974 and October 31, 1974;

(7) Projected fuel use by month in the subject agreement market between January 15, 1976 and October 31, 1976; and

(8) Projected fuel use by month for the system of each carrier between January 15, 1976 and October 31, 1976;

(d) In addition, within 28 days after the end of each calendar month, National and British Airways shall submit to the Board's Docket Section a report containing the following data for the subject market:

(1) The total number of flights operated during that month;

(2) The total number of flights operated during that month with load factors of more than 95 percent;[6]

(3) For the period May 1, 1976 to October 31, 1976, the number of extra sections operated, and/or the additional seats operated during the month above the basic 6 flight per week entitlement.

2. The request of National that it be exempted from the requirements of section 405(b) that implementation of the schedule modifications be made only on 10 days' prior notice to the Postmaster General be and it hereby is denied; and

3. Copies of this order shall be served upon the United States Departments of Defense, Justice, and Transportation, the United States Postal Service; the Dade County Port Authority; and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[1]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-5062 Filed 2-20-76;8:45 am]

[Order 76-2-65; Dockets 28829 and 26310]

UNITED AIR LINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of February, 1976.

By tariff revisions issued January 6, and marked to become effective February 20, 1976, United Air Lines, Inc. (United) proposes to refuse to accept for transportation poisonous spiders, insects (excluding honey bees), and lizards.

United, in its justification and answer to a complaint, asserts that the proposal is necessary in order to protect its employees from exposure to possible serious injury or death resulting from contact with any of these live creatures; that, even with special care in handling of these shipments, accidental escape from inadequate containers and biting of attending persons may occur, and that its proposal is merely a logical extension of the current rule refusing to accept poisonous snakes in effect for United and other carriers.

A complaint requesting suspension and investigation has been filed by the American Association of Zoological Parks and Aquariums (AAZPA) and the Zoological Action Committee (ZooAct). The complainants allege that United's proposed rule is not significantly different from rules suspended by the Board in previous orders, and should be suspended on the same basis. AAZPA and ZooAct specifically cite a prior Board action suspending a rule proposed by Ozark Air Lines, Inc., which would have prohibited shipment of poisonous reptiles, Order 75-2-31. In that order, the Board stated that the refusal to accept such shipments represented a significant decrease in the carrier's common-carrier obligation, and would represent a significant difference from typical industry tariff provisions.

The complaint also requests the suspension of United's provision excluding poisonous snakes from transportation. Inasmuch as United's refusal to accept poisonous snakes is already in effect, this provision is not subject to suspension.

All of the proposed rules, as well as the rule on nonacceptance of poisonous snakes which is already in effect, come within the scope of the investigation in Docket 26310, *Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation*, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

Upon consideration of the complaint and all other relevant matters, the Board concludes that the proposal should be suspended, pending the investigation in Docket 26310.

The carrier has not provided adequate justification for prohibiting the acceptance of such poisonous creatures, and there is no showing that they cannot be safely transported with proper packaging and handling, or that they constitute an undue threat to passengers or crew. In view of the foregoing, we believe that the proposed refusal to accept poisonous spiders, insects, and lizards is unreasonable and represents a significant decrease in the carrier's common-carrier obligation to transport. Our instant action is consistent with other Board orders, which based suspension essentially upon the same factors mentioned above.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

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[4] See, for example, orders 73-10-110, dated Oct. 31, 1973, 73-12-109, dated Dec. 28, 1973 and 74-12-1, dated Dec. 2, 1974.

[5] Sec. 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[6] In computing these load-factor data, the applicants shall include in the denominator the total number of seats they were authorized to operate; and in the numerator both revenue and nonrevenue passengers.

[1] Minetti and West, Members, filed a joint dissent statement as part of the original document.

sections 204(a), 403, 404, and 1002 thereof,

It is ordered, that:

1. Pending hearing and decision by the Board, the provisions in Rule Nos. 20(C)(1), (3) and (4) on 9th Revised Page 10-I of Tariff C.A.B. No. 96 issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including May 19, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of the American Association of Zoological Parks and Aquariums and the Zoological Action Committee in Docket 28829 is hereby dismissed; and

3. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-5061 Filed 2-20-76;8:45 am]

[Order 76-2-63; Docket 28706]

WIEN AIR ALASKA, INC.

Order Fixing Final Service Mail Rates

Issued under delegated authority February 17, 1976.

By Order 76-2-3, February 2, 1976, all interested persons, and particularly Wien Air Alaska, Inc. and the Postmaster General, were directed to show cause why the Board should not amend Order 71-2-102, February 23, 1971, so as to provide for a surcharge to cover increased costs of fuel, subject to the terms and conditions as set forth in Order 71-2-102.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any person. All persons have therefore waived the right to a hearing and all other procedural steps short of fixing a final rate.

Upon consideration of the record, the findings and conclusions set forth in said order are reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Procedural Regulations, 14 CFR Part 302, and the authority delegated by the Board in its Organizational Regulations, 14 CFR 385.16(g),

It is ordered That:

1. The fair and reasonable rates of compensation to be paid to Wien Air Alaska, Inc., by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, on and after January 6, 1976, is a service mail rate consisting of the following rates per great-circle mail ton-mile:

Priority mail	$1.4033
Nonpriority mail	1.1033
Combined rate per ton-mile	1.2733

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General; and

3. This order shall be served on the Postmaster General and Wien Air Alaska, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By Frank R. Chabot, Chief, Government Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-5060 Filed 2-20-76;8:45 am]

[Docket No. 28706; Order 76-2-3]

WIEN AIR ALASKA, INC.

Order To Show Cause Regarding Fuel Surcharge Applicable to the Carriage of Intra-Alaska Mail

Correction

In FR Doc. 76-3696 appearing at page 5423 in the issue for Friday, February 6, 1976, make the following changes on page 5424:

1. In the first column, the fifth line, the number "533" should read "5.33".

2. In the middle column, immediately under the first line, place the following:

Base year [3]	12.13

3. In the same column, the tenth line which presently reads "ended Sept. 30, 1969:" should read "ended June 30, 1969:".

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and will end at 2:30 p.m. on March 23, 1976, at 1121 Vermont Avenue NW., Washington, D.C. 20425, 5th Floor Conference Room.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of the meeting is to discuss plans for SAC activity. There are two projects in which the SAC is involved. Very little progress has been made on them. The SAC will discuss with staff how to resolve these problems.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1976.

ISAIAH T. CREWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5039 Filed 2-20-76;8:45 am]

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 17, 1976, at the University of Maine at Augusta, President's Office.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to review status of new project on banking.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5040 Filed 2-20-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 492-2]

ENERGY RELATED AUTHORITY

Report on Progress and Impact

Section 119(k)(2) of the Clean Air Act, as amended by the Energy Supply and Environmental Coordination Act of 1974, directs the Administrator to publish in the FEDERAL REGISTER at no less than 180 day intervals beginning January 1975, certain reports and findings on the implementation of EPA's energy related authority under Section 119 of the Act. Specifically, the Administrator is directed to publish a concise summary of progress reports required to be filed by any person or source owner or operator to which the compliance date extension provisions of subsection 119(c) apply. Such reports are to include information on the status of compliance with requirements imposed by the Administrator under subsection 119(c). In addition, the Administrator is directed to publish up-to-date findings on the impact of Section 119 upon applicable State Implementation Plans and upon ambient air quality. On January 27, 1975 and August 8, 1975, notices meeting the requirements of Section 119(k)(2) were published in the

[1] Orders 75-4-136, 75-2-31, and 74-1-79.

FEDERAL REGISTER at 40 FR 4034 and 40 FR 33489 respectively.

As of January 1, 1976, some applications for compliance date extensions under subsection 119(c) have been received by the Administrator; however, no such extensions have been granted as yet. Therefore, no progress reports were required of or filed by any person or source owner or operator under subsection 119(c). In addition, no postponements under subsection 119(i) were sought or granted before January 1, 1976.

Whenever the Federal Energy Administrator issues an order to a fuel burning source under section 2(a) of Energy Supply and Environmental Coordination Act of 1974 which will apply after June 30, 1975, the Administrator of EPA is required to notify FEA if the source can burn coal and comply immediately with all applicable air pollution requirements without a compliance date extension. If such notification is not given, then the EPA Administrator must certify to FEA: (1) when the source can comply with primary standard conditions and/or regional limitations in the case of a source which is receiving a compliance date extension; or (2) when the source can comply with all air pollution requirements in the case of a source which is not receiving a compliance date extension.

As of January 15, 1976, the Administrator of EPA has notified FEA that four plants can burn coal and comply immediately with all air pollution requirements without a compliance date extension. Those plants are: (1) Ames Station, Unit 7, Ames Electric Utility, Ames, Iowa; (2) Maynard Station, Unit 14, Iowa Public Service Company, Waterloo, Iowa; (3) Des Moines Station, Unit 11, Iowa Power Light Company, Des Moines, Iowa; and (4) Weston Station, Unit 2, Wisconsin Public Service Corporation, Rothchild, Wisconsin. Also, the Administrator of EPA has certified to FEA that the St. Clair Station, Unit 5, Detroit Edison Company, East China Township, Michigan, cannot comply with all air pollution requirements until three years and six months after FEA issues its Notice of Effectiveness to the source. Since this is beyond the statutory deadline for complying with all air pollution requirements, the source cannot receive a compliance date extension.

In January of 1976, temporary suspensions of applicable stationary source fuel and emissions limitations became effective for three facilities in Massachusetts (New England Power Company's Brayton Point and Salem Harbor Stations and Montaup Electric Company's Somerset Station). Each of these suspensions expired, as Section 119(b) directs, on June 30, 1975. No other temporary suspensions were sought or granted.

Coal conversion and air quality monitoring data for the three affected facilities in Massachusetts were analyzed for the period beginning on January 1, 1975 and ending on June 30, 1975. In addition, data were available for the second half of 1974. These two sets of data were used to determine if a significant change in air quality resulted or whether excesses of the National Ambient Air Quality Standards (NAAQS) resulted from the coal conversions associated with the suspensions.

Coal conversion data involving the suspensions are as follows:

Coal conversion data

Plants	Periods suspension effective (1975)	Periods coal burned (1975)
Brayton Point, Mass	Jan. 1 to June 30	Unit No. 3, Jan. 1 to June 9.[1] Unit No. 2, Apr. 10 to May 2. Unit No. 1, Feb. 16 to May 17.
Somerset, Mass	Jan. 1 to June 9 [2]	Unit No. 8, Feb. 1 to June 9.
Salem Harbor, Mass	Feb. 1 to June 30	Unit No. 3, Apr. 6 to June 30.

[1] Unit has been burning coal since May 15, 1974. No other plants burned coal in the 2d half of 1974.
[2] Suspension rescinded June 9, 1975, due to unit failing collector efficiency test.

Air monitoring data were obtained for total suspended particulates and sulfur dioxide from state agencies and power companies for sites within a 20 kilometer radius, indicated as the area of greatest impact from each of these converting plants. Since Brayton Point and Somerset are within 4.9 kilometers of each other, the same monitoring sites apply. In each case, the converting plants would be expected to be the principal contributors to any excesses of NAAQS since these plants are located in or near small communities. The relevant monitoring sites in the vicinity of each plant are as follows:

Monitoring data available

Plants	Monitoring sites	Number	Valid quarters [1] of data July 1, 1974 to June 30, 1975			
			TSP		SO_2	
			1974	1975	1974	1975
Brayton Point and Somerset	Fall River, Mass	6	7	8	3	10
	Bristol, R.I	1	2	0	1	0
	Warwick, R.I	1	2	2	2	2
	Tiverton, R.I	1	2	2	1	2
	Swansea, Mass	2	0	4	0	4
Salem Harbor	Lynn, Mass	1	0	2	0	2
	Marblehead, Mass	1	2	2	2	2

[1] A valid quarter contains valid data for at least 75 pct of all hourly values for that quarter or valid data for at least 5 24-h periods during the quarter.

Results of the data analysis relative to excesses of NAAQS values are shown in the following table.

Summary of values above NAAQS

Monitoring site	Number, NAAQS (type)	Pollutant	Quarter	Period (hours)	Highest	Values, NAAQS (micrograms per cubic meter) 2d highest	Applicable NAAQS (micrograms per cubic meter)
JANUARY TO JUNE 1975							
Lynn, Main St	1 (secondary)	TSP	2	24	159		155
Fall River, Plymouth Ave	1 (secondary)	TSP	2	24	191		150
Fall River, North Main	4 (secondary)	TSP	2	24	185	177	150
Fall River, Milliken Blvd	5 (secondary)	TSP	2	24	455	188	105
	1 (primary)	TSP	2	24	455		260
Warwick, National Weather Service station.	1 (secondary)	TSP	2	24	163		100
JULY TO DECEMBER 1974							
Warwick, National Weather Service station.	1 (secondary)	TSP	3	24	173		150

Synopsis—Although the two periods compared, the first half of 1975 and second half of 1974, are not strictly the same meteorologically, they bear large similarities in that they straddle the mid-winter period of highest power plant emissions due to the heating season. The analysis indicates an increase of the total suspended particulate levels in excess of the NAAQS which may have resulted from the coal conversions. No significant increase in SO_2 as a result of the conversions could be detected from the air quality analysis, although in all cases no values above the NAAQS were detected.

In general, more data were available for the first half of 1975 than for the second half of 1974. However, for those sites at which values above the NAAQS were detected, the quarters of valid data were about the same in number. In this analysis, no air quality mathematical modelling was attempted to determine if additional NAAQS excesses could have

occurred at other localities that were not monitored or to ascertain individual source responsibility.

Dated: February 10, 1976.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.76-4965 Filed 2-20-76;8:45 am]

Office of Water and Hazardous Materials

[FRL 493-1]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following subcommittee meeting of the State-Federal Water Program Advisory Committee:

Name: Study Group on Municipal Operations Strategy.
Date: March 9, 1976.
Place: Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas Regional Administrator's conference room.
Time: 8:30 a.m. to 4 p.m. (approximately).
Agenda: Discussion of a draft proposal for a national municipal operations strategy.

Further information on the State-Federal Water Programs Advisory Committee may be obtained from the Executive Secretary, David K. Sabock, EPA, 401 "M" Street, SW., (WH-556), Washington, D.C. 20460 or 202-755-2804.

Dated: February 18, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-5092 Filed 2-20-76;8:45 am]

[OPP-180063; FRL 493-2]

WYOMING DEPARTMENT OF AGRICULTURE

Specific Exemption To Control Rabid Skunks in Campbell County

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) granted a specific exemption to the Wyoming Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine alkaloid-treated eggs or lard baits in a rabid skunk control program. The program was designed to effect a reduction of the rabid skunk population and thereby reduce the probability of exposure of man and domestic animals to rabies in the general area of the John Daly Ranch, Campbell County, Wyoming. This exemption was granted in accordance with, and was subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State Agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption was also subject to the provisions of 40 CFR Part 164, specifically, the new Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

The most recent emergency of this sort in Wyoming occurred in March of 1975, as a result of the discovery of five (5) rabid skunks and one (1) rabid cow in Campbell and Crook Counties between January 6 and February 20, 1975. On March 7, the Applicant requested a specific exemption to use strychnine alkaloid for rabid skunk control. In April, 1975, the Applicant notified EPA of three (3) additional cases of confirmed rabid skunks within the proposed treatment areas in the two counties. The specific exemption was issued on June 17 and was supposed to terminate on August 15. However, spatial and temporal extensions were requested because of the discovery of more rabid skunks both inside and outside the areas specified for treatment; the exemption terminated on October 15, 1975. As required by the regulations, the Applicant submitted to EPA a final summary report of the result of the strychnine baits program against skunks in Campbell and Crook Counties. The summary showed that the Applicant used the strychnine baits authorized under the specific exemption in a responsible manner.

On December 23, 1975, EPA received a mailgram from the Wyoming Department of Agriculture requesting another specific exemption for use of strychnine alkaloid eggs and baits to control rabid skunks which were threatening the health of school children and teachers at the Rawhide School, located one-quarter (¼) mile from the John Daly Ranch in Campbell County. One skunk, confirmed to be rabid, was killed on the Daly Ranch. Two dead skunks and one dead domestic cat were found at the same location and were suspected by being rabid; laboratory analysis was underway.

It was requested that the rabid skunk control program begin on December 23, and terminate no later than January 23, 1976. As Christmas vacation was beginning, there would be no children or school personnel in the area for about two weeks; the ability to place baits near the school under these conditions was part of the rationale behind the request for immediate approval. The Applicant was to work with the Wyoming University extension agent of Campbell County, the Wyoming Health Department, and the Wyoming Game and Fish Commission regarding this program; the Applicant also notified the Center for Disease Control in Atlanta, Georgia, of the existing emergency condition. A maximum of 500 baits per three mile radius of confirmed rabid skunks was requested, with treated eggs or lard baits used as dictated by weather conditions. Eggs were to be stamped with the word "Poison" and warning signs were to be posted in the area of bait placement. No lard baits or treated eggs were to be placed within a ¼ mile radius of the school. The treatment area was one three (3) mile-radius circle. All unconsumed treated baits and all fragments of partially eaten baits were to be picked up and placed (individually broken, in the case of eggs) in a trench, mixed with raw soil and covered with not less than 18 inches of soil.

Records of the control program will include the number of eggs/baits placed, the number consumed, number of eggs/baits disposed of, location of the disposal site, and other additional pertinent information. Monitoring data for the program shall include: (a) number and location of live skunks confirmed rabid, (b) number and location of dead skunks confirmed rabid, (c) total of skunks killed, and (d) number and location of nontarget species killed by poisoning. Adverse effects on man and the environment were not anticipated.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Wyoming; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human health risk; (e)

the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. The Applicant's responsible use of strychnine-treated eggs and lard baits in the past was considered in regard to making a prompt decision. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until January 23, 1976, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. The treatment area was limited to a 3-mile radius of the John Daly Ranch, Campbell County, Wyoming;

2. Baits were to be formulated as outlined in the application;

3. Strychnine baits were excluded from placement in, under, or around occupied farmstead buildings (homes or school houses), but could be placed in, under, or around unoccupied building, such as abandoned bunkhouses, corn cribs, silos, outhouses, machinery sheds, barns, etc. All baits were to be destroyed in the manner described in this notice.

4. Restrictions number 5 through 12 specified in the specific exemption granted on June 17, 1975, remained in force; and

5. To assure the protection of small children and pets, treated baits were set out each evening and retrieved each morning after school was back in session.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washngton, DC 20460.

Dated February 17, 1976.

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

[FR Doc.76-5091 Filed 2-20-76;8:45 am]

COUNCIL ON AGING

FEDERAL COUNCIL ON THE AGING

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner of Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council will meet on March 16, 1976 from 9:30 a.m. to 5 p.m. and on March 17, 1976 from 9:00 a.m. to 3 p.m. in Room 4549, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. The agenda will consist of: Review of Presidential Message to Congress on the Elderly; Status of FCA Annual Report and Studies on Taxes and Benefits; Report on Assets Study; Briefing in Implementation of 202 Housing Program; Determine Further Actions on Frail Elderly Priority; Status of National Aging Research Plan; Status of Hearing on Health Manpower and Status of Policy Issues and Publication Regarding Older Women.

This meeting open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

FEBRUARY 17, 1976.

[FR Doc.76-5047 Filed 2-20-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOOD INDUSTRY ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given of a revision in the Charter of the Food Industry Advisory Committee.

The Charter published in the August 21, 1974, issue of the FEDERAL REGISTER (39 F.R. 30196), as amended (40 F.R. 34642, August 18, 1975), is further amended to add four additional subcommittees. Specifically, the Charter is hereby amended by revising Section B-9 to read as follows:

"9. *Subcommittees*—The Food Industry Advisory Committee shall have thirteen subcommittees as follows:

a. Distribution and Transportation Subcommittee.
b. Manufacturing and Food Processing Activities Subcommittee.
c. Equipment Efficiency Subcommittee.
d. Retail Stores Subcommittee.
e. Food Service Operations Subcommittee.
f. Industrial Education Subcommittee.
g. Government Regulations Subcommittee.
h. Future Planning Subcommittee.
i. Natural Gas Subcommittee.
j. Energy Audit Program Subcommittee.
k. Federal Reporting Program Subcommittee.
l. State Conservation Programs Subcomittee.
m. Agriculture Subcommittee.

The objective of each Subcommittee is to make recommendations to the parent Committee with respect to matters concerning food industry aspects of FEA policies and programs falling within the interests of the particular Subcommittee.

Each Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provision of B-1 through B-8."

The above amendment is effective immediately.

Issued at Washington, D.C. on February 18, 1976.

FRANK G. ZARB,
Administrator.

[FR Doc.76-5093 Filed 2-19-76;9:12 am]

PROPOSED RANKING OF MANUFACTURING INDUSTRIES BY ENERGY CONSUMPTION

Opportunity for Comment

The Federal Energy Administration (FEA) hereby gives notice that it will receive written comments concerning the relative energy consumption of two-digit industries within the manufacturing division of the Standard Industrial Classification (SIC) Manual.

Part D, 42 U.S.C. 6341-6346, of Title III of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, establishes a program within FEA to promote increased energy efficiency in American industry and requires the agency to establish energy efficiency improvement targets for the ten most energy-consumptive manufacturing industries. The targets are required to be set by December 22, 1976, at levels representing the maximum feasible improvement which each of these industries can attain by January 1, 1980.

As a preliminary step in setting the targets, section 373 of the EPCA requires the Administrator of FEA to establish a priority ranking of each major energy-consuming industry within the SIC Manual manufacturing division on the basis of its total annual energy consumption. This notice is designed to solicit information from interested parties which would be helpful in establishing such ranking.

According to information presented in the "1972 Census of Manufactures, Special Report Series: Fuels and Electric Energy Consumed" (Bureau of the Census, U.S. Department of Commerce, MC72 (SR)-6), the following list represents, in descending order, the relative consumption of energy in each of the 20 two-digit SIC industries in the manufacturing division:

Ranking	Industry	SIC
1	Chemical and allied products	28
2	Primary metal industries	33
3	Petroleum and coal products	29
4	Paper and allied products	26
5	Stone, clay, and glass products	32
6	Food and kindred products	20
7	Transportation equipment	37
8	Machinery, except electrical	35
9	Textile mill products	22
10	Fabricated metal products	34
11	Electrical equipment and supplies	36
12	Rubber and plastics products (not elsewhere classified)	30
13	Lumber and wood products	24
14	Miscellaneous manufacturing industries and ordnance	39
15	Printing and publishing	27
16	Instruments and related products	38
17	Apparel and other textile products	23
18	Furniture and fixtures	25
19	Leather and leather products	31
20	Tobacco manufactures	21

FEA will receive comments from interested parties through March 10, 1976, which might affect the rank-ordering of the above industries. After that date,

taking into consideration information received in response to this notice, information available from the Bureau of the Census, and other sources of information available to FEA, the agency will proceed to identify each major energy-consuming industry within the SIC manufacturing division and to establish a priority ranking of such industries on the basis of their respective total annual energy consumption, as required by Section 373 of the EPCA.

Interested person should address their written comments to Executive Communications, Room 3309, Federal Energy Administration, Box FV, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to Executive Communications with the designation "Energy Consumption Ranking."

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in only one copy. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., February 18, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-5069 Filed 2-18-76;3:51 pm]

FEDERAL HOME LOAN BANK BOARD

[No. AC-8]

AMERICAN SAVINGS & LOAN ASSOCIATION OF FLORIDA

Notice of Amendment to Approval of Conversion Application (Notice of Final Action)

FEBRUARY 18, 1976.

Notice is hereby given that on February 4, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-72, approved an amendment to the application of American Savings & Loan Association of Florida, Miami Beach, Florida, for permission to convert to the stock form of organization. The application had been approved by the Federal Home Loan Bank Board by Resolution No. 75-992, dated November 3, 1975. Copies of the application are available at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, NW., Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.76-5037 Filed 2-20-76;8:45 am]

[No. AC-9]

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION

Notice of Approval of Amendment to Conversion Application (Notice of Final Action)

FEBRUARY 18, 1976.

Notice is hereby given that on January 7, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-7, approved an amendment to the application of Prudential Federal Savings and Loan Association, Salt Lake City, Utah, for permission to convert to the stock form of organization. The application had been approved by the Federal Home Loan Bank Board by Resolution No. 75-1164, dated December 19, 1975. Copies of the application are available at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.76-5038 Filed 2-20-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-7]

COMMONWEALTH OF PENNSYLVANIA ET AL. VS. INTER-AMERICAN FREIGHT CONFERENCE ET AL.

Filing of Complaint

FEBRUARY 18, 1976.

Notice is hereby given that a complaint filed by Commonwealth of Pennsylvania et al. against Inter-American Freight Conference et al. was served February 13, 1976. The complaint alleges that respondent conferences and their member lines have violated sections 15, 16, 17 and 18(b) of the Shipping Act, 1916, section 8 of the Merchant Marine Act, 1920, and section 205 of the Merchant Marine Act, 1936, by virtue of making certain tollage wharfage and handling charges at the Port of Philadelphia chargeable against cargo whereas historically they were for the account of the vessel.

Hearing in this matter shall commence on or before August 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5083 Filed 2-20-76;8:45 am]

FOOT'S TRANSFER AND STORAGE CO., LTD. AND BWI CORP.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Foot's Transfer and Storage Co., Ltd., 24701 Frampton Avenue, Harbor City, CA 90710. Officers: James J. Murray, president, Charles R. Williams, vice president, H. B. McDonald, director, Lawrence B. Starr, director.

BWI Corporation, Cargo Complex, P.O. Box 8759, Baltimore-Washington International Airport, Baltimore, Md. 21240. Officers: R. A. Anthony, president, C. D. Russell, vice president, D. J. Kuhl, secretary/treasurer, J. C. Hoddinott, vice president.

Dated: February 18, 1976.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5082 Filed 2-20-76;8:45 am]

PACIFIC-STRAITS CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 15, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold R. Rollins, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement 5680–20 would revise the self-policing procedures of the Pacific-Straits Conference. Presently, all allegations of malpractices of the various member lines are submitted to a panel of neutral arbitrators for adjudication. Agreement 5680–20 would establish a "two tier" system of adjudication whereby the Conference membership would make the initial determination, and the neutral arbitrators the second upon any appeal.

Dated: February 18, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–5081 Filed 2–20–76;8:45 am]

PHILIPPINES NORTH AMERICA CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 15, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 5600–35, entered into by the member lines of the Philippines North America Conference, modifies the approved conference agreement by amending said agreement in its entirety, essentially incorporating therein the present provisions of the basic agreement, as previously amended, and for the purpose of including such additional provisions as those authorizing (1) the establishment of "through and joint rates, charges and regulations from or to inland points of origin or destination"; (2) the opening of rates; (3) the establishment of Executive and Rate Committees; and (4) a change in the voting requirement from two-thirds (⅔) affirmative vote of the total membership to the unanimous consent of all parties entitled to vote to effect changes in the agreement.

Dated: February 18, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–5079 Filed 2–20–76;8:45 am]

SIDARMA-COSTA JOINT SERVICE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 15, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

David C. Shonka, Esquire, Billing, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 10120–30 between the above-named carriers amends the basic agreement to add Puerto Rican ports to its geographic scope with the qualification that the agreement does not extend to the trade between ports in Puerto Rico and the Continental United States.

By order of the Federal Maritime Commission.

Dated: February 18, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–5080 Filed 2–20–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75–20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Accepting Settlement

FEBRUARY 13, 1976.

This proceeding concerns a general rate increase of approximately $14.2 million annually, filed by Mississippi River Transmission Corporation (MRT) on October 1, 1974, and a settlement Stipulation and Agreement submitted by MRT on December 8, 1975. By order issued October 31, 1974, MRT was required to file a revised rate tariff reflecting the removal from its rate base of the costs of facilities which would not be in service on March 31, 1975, the end of the test period. The revised rates became effective on April 1, 1975, subject to refund.

By order issued April 24, 1975, in Docket No. RP72–149, the Commission rejected MRT's proposal to include in the subject rates certain unrecovered costs incurred from December 1974 through March 1975, under an exchange and sale arrangement with Natural Gas Pipeline Company of America (Natural). In return for its transportation to MRT of gas produced in the Mills Ranch Field, Natural was entitled to repurchase one-third of this gas from MRT at fixed rates below the price paid by MRT. Rehearing was denied on May 19, 1975;[1] but in an order granting reconsideration, issued August 5, 1975, the Commission permitted recovery of these costs from August 2, 1975, subject to refund and consolidated that issue into this proceeding. In a further order of June 3, 1975, the Commission granted Commission Staff's motion for summary disposition of one issue, an increase in depreciation rate, and ordered MRT to refund that portion of its rates attributable to the depreciation rate increase.[2]

After service of Staff's direct evidence, a settlement of all issues was reached by MRT, Staff, and the other parties. At hearing held on December 4, 1975, direct testimony and exhibits were introduced into the record by MRT, Staff, and Laclede Gas Company (Laclede), the

[1] On July 18, 1975, MRT filed a petition for review of these two orders with the U.S. Court of Appeals for the D.C. Circuit, Docket No. 75–1694.

[2] After an application for rehearing was denied, MRT filed a second petition with the U.S. Court of Appeals for the D.C. Circuit, Docket No. 75–1754, seeking appellate review of the two orders summarily disposing of MRT's increase in its depreciation rate.

largest customer of MRT. Presiding Administrative Law Judge Jair S. Kaplan certified the hearing record to the Commission on December 9, 1975. Additionally, on December 8, 1975, MRT filed a proposed Stipulation and Agreement and moved for its approval by the Commission. A Notice of Filing of Stipulation and Agreement, issued on December 15, 1975, provided for the submission of any comments on the proposed agreement by December 31, 1975. Comments supporting the agreement were submitted by MRT, Laclede and Illinois Power Company. No objections have been received.

The proposed stipulation and agreement filed by MRT (agreement) contains thirteen articles or subparts, of which Articles II–V, and VII are most significant. *Article II* references the settlement cost of service and the statement of jurisdictional rates that are appended to the agreement.[3] The total settlement cost of service is $176,183,032 for the twelve month base period ending June 30, 1974, as adjusted. The jurisdictional portion is $148,183,032. The overall rate of return is 11.08%, including return on common equity of 11.75% at an equity capitalization ratio of 38.35%. MRT had claimed an overall return of 12.125% and a return on common equity of 14.0%. The Staff recommended in its direct case an overall return of 10.21% and a return on common equity at 10.75%. The settlement rates to be effective from and after April 1, 1976, are based on the *United* method of rate design which assigns 25% of fixed costs to the demand component. During a transition period from April 1975 through March 1976, the settlement rates reflect the assignment of one-third of fixed costs to the demand component, the modification of the *Seaboard* method utilized by MRT in its original filing. The base average unit cost of gas purchased from producers is 52.56¢ per Mcf, as compared to an earlier base cost of 35.08¢ per Mcf derived from MRT's original filing. The settlement cost of service includes all pipeline supplier and producer gas prices paid by MRT as of April 1, 1975, with the exception of two gas cost items specifically excluded: a) a special one time surcharge collected by United Gas Pipe Line Company from March 1, 1975 through June 30, 1975 pursuant to Opinion No. 699–H; and b) certain unrecovered gas costs incurred from December 1974 through March 1975, as a result of the exchange and sale agreement with Natural. However, the agreement provides that MRT is permitted to retain the jurisdictional portion of these excluded costs which have been or are being collected through the purchase gas adjustment provision in its tariff.

Two other facets of the settlement cost of service should be noted. First, the previous depreciation rates, 3.5% for transmission and storage plant and 6.67% for production plant, have been retained in compliance with our summary disposition order of June 3, 1975, which excluded the portion of MRT's filed rates attributable to the disallowed increase in depreciation rates. Second, we note that the settlement rate base reflects the deduction of a reserve for deferred income taxes which does not exceed the amount recorded in MRT's accounts on March 31, 1975, as a reserve for deferred taxes resulting from the use of accelerated depreciation.

Article III provides for refunds to MRT's jurisdictional customers of $127,000. This negotiated sum constitutes MRT's entire refund obligation relating to its base rates for the period from April 1, 1975 through March 31, 1976, included therein is the refund obligation resulting from the order of June 3, 1975, granting summary disposition. Refunds are to be made only to those customers with an average load factor lower than the resale load factor of all jurisdictional customers for purchases under Rate Schedule CD–1, whose charges would be lower if the *United* method of rate design were to be utilized during the twelve months from April 1975 through March 1976. Upon issuance of this order MRT is also required to recompute its deferred gas account using the 52.56¢ per Mcf base cost of gas purchased from producers, and to refund with interest all excess amounts collected through deferred purchase gas cost adjustments.

Article IV requires modifications of the provisions for purchase gas cost adjustments contained in Section 17 of MRT's FPC Gas Tariff, Revised Volume 1. The revised Section 17 will be expanded to provide for periodic updating of the base average unit cost of gas, to apply future purchase gas cost adjustments to sales under Rate Schedule PI–1 and the "Force Majeure" unauthorized overtake charge in Rate Schedule CD–1, and to reflect a jurisdictional demand cost allocation factor of 88.5%.

Article V permits the tracking of transportation costs for gas purchased by MRT at the Mills Ranch Field and redelivered to MRT by Natural. The settlement cost of service includes transportation costs of $1.6 million or $0.0075 per Mcf, the difference between the wellhead price paid by MRT and the lower price received from Natural for the portion of the Mills Ranch Field gas which Natural receives in return for the transportation service. MRT will be permitted to file rate adjustments for cost changes from the current $0.0075 per Mcf level.

Article VII provides for the execution of a single service agreement between MRT and Laclede to replace three separate contracts between MRT and Laclede's four operating divisions. The single contract demand volume under the new contract (608,480 Mcf) will be equal to the sum of the contract demand volumes in the three existing contracts[4] and can be delivered, as required to any of Lacledes' four divisions during the winter season. Our review of the direct evidence adduced by Laclede indicates that the proposed consolidation and the use of conjunctive billing will be a significant benefit to Laclede, but will not have any undue effect upon MRT's other customers, which have not interposed any objections. Since only one of the four divisions has underground storage and propose peak-shaving facilities, this consolidation will facilitate the most efficient use of the peak shaving capabilities by all four divisions. Operating flexibility and reliability should be increased also. The agreement further states that the consolidation of contract demand will be permitted only during the winter season, from November 1 through April 14. This limitation is necessary since transfer between divisions or from storage are not required to improve service reliability or to maximize storage use, when temperatures exceed 50° F.

Several additional terms of the settlement agreement should be noted. These include a moratorium on general rate increases through September 31, 1976 (Article X), a requirement that MRT move for the dismissal of its two pending petitions for appellate review of Commission orders in this docket (Article VIII), and changes in the rates under Rate Schedule PI–1, the "force Majeure" unauthorized overtake charge, and the other unauthorized overtake charge (Article VI).

In sum, we conclude that the proposed settlement recited in the stipulation and agreement represents a reasonable and appropriate resolution of all issues in this proceeding, and that the public interest will be best served by our acceptance and approval of the settlement in its entirety, without any modification or additional conditions. As requested by MRT, we shall waive compliance with our Rules and Regulations, particularly Section 154 thereof, to the extent necessary for full implementation of the settlement agreement. Similarly, while unable to bind future Commissions, it is our present intention that future rate and tariff filings pursuant to the settlement agreement should become effective on the appropriate dates specified in the agreement without suspension or additional conditions, if those filings are found to comply with the terms of the settlement agreement and MRT's FPC Gas Tariff.

The Commission further finds: The stipulation and agreement filed by MRT on December 8, 1975, as a settlement of the issues involved herein, is reasonable, proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be accepted and approved in its entirety.

[3] The settlement cost of service and capitalization are set forth in the appendix.

[4] In 1972 Laclede, which receives approximately 75% of MRT's jurisdictional sales, merged its operations (the Laclede division) and the systems of Missouri Natural Gas Company (MoNat division), Midwest Missouri Gas Company (Midwest division), and St. Charles Gas Corporation (St. Charles division). The first of MRT's three contracts, for service to the Laclede and St. Charles divisions, provide for a contract demand of 567,000 Mcf/d. The other contracts for service to the MoNat and Midwest divisions set daily contract demands of 37,480 Mcf and 4,000 Mcf, respectively.

The Commission orders: (A) The proposed stipulation and agreement filed by MRT in this docket on December 8, 1975, as a settlement of all issues involved herein, is incorporated herein by reference, approved and adopted.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—*Mississippi River Transmission Corp. settlement cost of service, docket No. RP75–20*

Line No.	Particulars	Total
1	Operation and maintenance expense	$155,077,806
2	Depreciation, depletion, and amortization expense	6,265,188
3	Taxes:	
4	Federal income	5,754,312
5	State income	414,310
6	Other	2,426,986
7	Total taxes	8,595,608
8	Return	15,348,333
9	Donations	51,601
10	Credits to cost of service	(9,155,535)
11	Total cost of service	176,183,001
12	Allocated jurisdictional cost of service	148,298,938

		Amount	Percent	Cost of capital (percent)	Weighted average cost (percent)
13	Debt	$93,875,000	61.65	10.66	6.57
14	Common stock equity	58,388,821	38.35	11.75	4.51
15	Total capitalization	152,263,821	100.00		11.08

MISSISSIPPI RIVER TRANSMISSION CORP.

PROPOSED SETTLEMENT BASE TARIFF RATES EFFECTIVE APR. 1, 1975, THROUGH MAR. 31, 9176, DOCKET NO. RP75–20

Rate schedule:

CD–1:	
Demand	$2.668
Commodity	.6960
Demand charge adjustment	.0878
PI–1, commodity	1.000

NOTE.—Average unit cost of purchased gas related to producer purchases included in the above CD–1 commodity rate is $0.5256/1,000 ft³.

MISSISSIPPI RIVER TRANSMISSION CORP.

PROPOSED SETTLEMENT BASE TARIFF RATES EFFECTIVE APR. 1, 1975, THROUGH MAR. 31, 1975, DOCKET NO. RP75–20

Rate schedule:

CD–1:	
Demand	$2.020
Commodity	.7290
Demand change adjustment	.0664
PI–1, commodity	1.000

NOTE.—Average unit cost of purchased gas related to producer purchases included in the above CD–1 commodity rate is $0.5256/1,000 ft.³

[FR Doc.76–4905 Filed 2–20–76;8:45 am]

[Docket No. CI65–529, et al.]

PETROLEUM, INC., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 13, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, fur-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

ther notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-529..... B 1-23-76 [1]	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Baldwin Unit No. 1 Well, Beaver County, Okla.	Depleted	
CI71-900..... B 1-16-76	General American Oil Co. of America, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., North Live Oak Field, Vermilion Parish, La.	Depleted	
CI72-78..... C 1-19-76	Cities Service Oil Co., P.O. Box 300 Tulsa, Okla. 74102.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[3] 56.2148	14.65
CI72-651..... C 1-21-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Brock A Well, Hemphill County, Tex.	[3] 51.7176	14.65
CI74-528..... C 1-21-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[4] 62.43	14.65
CI75-220..... B 1-21-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Gerber A No. 1 Well, Morton County, Kans.	[3] 51.7176	14.65
CI75-367..... C 1-26-76	Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.	El Paso Natural Gas Co., Parkway West Unit Wells 1 and 2, Eddy County, N. Mex.	[3] 84.151	14.73
CI76-43..... C 1-8-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Southeas Tracy Field, Texas County, Okla.	[3] [5] 51.7176	14.65
CI76-298..... A 1-12-76 [7]	Tenneco Oil Co., Baker & Botts, 3000 One Shell Plaza, Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Sec. 30, T. 15 N., R. 17 W., Custer County, Okla.	[7] [8] 55.6603	14.65
CI76-312..... B 12-18-75	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Nelson Well, Terrebonne Parish, La.	Depleted	
CI76-331..... A 1-12-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Parkway West Unit Wells 1 and 2, Eddy County, N. Mex.	55.24	14.65
CI76-332..... A 1-12-76	Hondo Oil & Gas Co., P.O. Box 2819, Dallas, Tex. 75221.	do.....	55.25	14.65
CI76-343..... A 1-16-76	Appalachian Exploration & Development, Inc., P.O. Box 1473, Charleston, W. Va. 25325.	Columbia Gas Transmission Corp., Cabin Creek District, Kanawha County, W. Va.	[3] [10] 53	14.73
CI76-344..... A 1-19-76	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	Columbia Gas Transmission Corp., Duvall, Washington, and Jefferson Counties, W. Va.	[3] [11] 92.3443	14.73
CI76-345..... (G-20317) F 1-19-76	Clinton Oil Co., (successor to Chevron Oil Co.), Suite 645A, 200 West Douglas, Wichita, Kans. 67202.	El Paso Natural Gas Co., East Bisti Field, San Juan County, N. Mex.	15.2869	15.025
CI76-347..... F 1-15-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Tex.	52	14.65
CI76-348..... A 1-21-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla., 73125.	Montana-Dakota Utilities Co., Boxcar Buttes Field, McKenzie County, N. Dak.	[3] [12] 79.4316	14.73
CI76-349..... (CI66-962) F 1-21-76	Clinton Oil Co., (successor to Pel-Tex Petroleum Co., Inc.), Suite 645A, 300 West Douglas, Wichita, Kans. 67202.	Texas Gas Transmission Corp., Manila Village Field, Jefferson Parish, La.	[13] 15.00	15.025
CI76-350..... (G-19144) F 1-19-76	Michel T. Halbouty (successor to Gulf Oil Corp.), Fulbright & Jaworski, 1140 Connecticut Ave., NW., Washington, D.C. 20036.	United Gas Pipe Line Co., Fostoria Wilcox Field, Montgomery County, Tex.	[13] 20.0	14.65
CI76-351..... A 1-22-76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Hondo B Field, Eddy County, N. Mex.	[3] 61.6955	14.65
CI76-352..... A 1-22-76	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Belco Bass Federal No. 1 Area, Lea County, N. Mex.	[3] [6] 80	14.65
CI76-353..... B 1-22-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Natural Gas Pipeline Co., Fairbanks Field, Harris County, Tex.	[17]	
CI76-355..... A 1-23-76	Oklahoma Natural Gas Co., 624 South Boston Ave., Tulsa, Okla. 74119.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[14] 58.22	14.65
CI76-356..... A 1-26-76	Enserch Exploration, Inc., Suite 1206, 1025 Connecticut Ave. NW., Washington, D.C. 20036.	Natural Gas Pipeline Co. of America, Block 18, University Land, Ward County, Tex.	[3] 75.0	14.65
CI76-357..... A 1-26-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 45, Grand Isle Block 41 Field, offshore Louisiana.	[3] [6] 80.0	15.025
CI76-358..... B 1-27-76	Alma Oringderff, P.O. Box 948, Perryton, Tex. 79070.	Northern Natural, R. H. F. Morrow and Horizon Cleveland Field, Ochiltree County, Tex.	Uneconomical	
CI76-359..... A 1-28-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., James Ranch No. 7 Well, Eddy County, N. Mex.	[15] 56.818181	14.73
CI76-361..... A 1-23-76	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corp., Philadelphia Creek Field, Rio Blanco County, Colo.	[3] [16] 56.0644	14.73
CI76-363..... A 1-27-76	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Montana Dakota Utilities, Co., Fairview Field, Richland County, Mont.	[3] 55.5053	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] 2 separate applications with respect to sales made from production in W½ and S½NE¼, sec. 30, T. 1 N., R. 26 E., pursuant to FPC gas rate schedule No. 31 and in SE¼, sec. 30, R. 1 N., T. 26 E., pursuant to FPC gas rate schedule No. 32.
[2] Subject to upward and downward British thermal unit adjustment; includes 4.4973¢ tax reimbursement.
[3] Subject to upward and downward British thermal unit adjustment.
[4] Includes 5.03¢ upward British thermal unit adjustment and 1.49¢ gathering allowance.
[5] Includes 11.6¢ upward British thermal unit adjustment.
[6] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[7] Being renoticed to show a change in the price.
[8] Includes 3.8927¢ production tax and 0.0500¢ excise tax.
[9] Includes 1¢ gathering allowance.
[10] Subject to 14¢ upward British thermal unit adjustment.
[11] Includes 9.375¢ upward British thermal unit adjustment.
[12] Includes 7.22¢ upward British thermal unit adjustment.
[13] Subject to downward British thermal unit adjustment.
[14] Includes 2.56¢ upward British thermal unit adjustment.
[15] Includes 4.818181¢ tax reimbursement and is subject to upward and downward British thermal unit adjustment.
[16] Includes 2.980¢/Btu adjustment and 6.0843¢ tax reimbursement.
[17] Production of gas wells has ceased.

[FR Doc.76-4906 Filed 2-20-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on March 10, 1976 from 9:30 a.m.-5:00 p.m., on March 11 from 9:00 a.m.-4:00 p.m. and on March 12 from 9:30 a.m.-4:30 p.m. in the 14th floor conference room of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Office, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-5070 Filed 2-20-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act. Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Earth Sciences.

Dates and times: March 4, 9:00 a.m. to 5:30 p.m.; March 5, 8:30 a.m. to 6:00 p.m.; March 6, 8:30 a.m. to 1:00 p.m.

Place: National Science Foundation, 1800 G St., NW., Washington, D.C. Room numbers are indicated in the agenda.

Type of meeting: Part open, March 4, 9:00 a.m. to 5:30 p.m., closed; March 5, 8:30 a.m. to 1:00 p.m., closed; 2:00 p.m. to 4:0 p.m., open; 4:00 p.m. to 6:00 p.m., closed; March 6, 8:30 a.m. to 1:00 p.m., closed.

Emergency statement: The notice of meeting is late due to internal administrative problems. It is essential, however, to hold the meeting on the above dates because of the imminence of the end of the fiscal year and the availability of panel members. There are 187 proposals to be reviewed and it is the policy of the Earth Sciences Division to have all proposals reviewed by the panelists.

Contact Person: Dr. William E. Benson, Chief Scientist, Division of Earth Sciences, Rm. 310, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4210.

Summary Minutes: (open portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: *March 4, Rms. 643 & 421 (9:00 a.m.-5:30 p.m.)* Closed. The panel will be reviewing and evaluating research proposals and projects as part of the selection process for awards.

March 5, Rms. 643 & 421 (8:30 a.m.-1:30 p.m.) Closed. Continuation of the review of proposals.

March 5, Rm. 643 (2 4 p.m.) Open. Remarks by the Assistant Director, Astronomical, Atmospheric, Earth, and Ocean Sciences. Future Possibilities in Research, Personnel, Finances.

March 5, Rms. 643 & 421 (4-6 p.m.) Closed. Continuation of the review of proposals.

March 6, Rms. 643 & 421 (8:30 a.m.-1:00 p.m.) Closed. Continuation of the review of proposals.

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 exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

FEBRUARY 18, 1976.

[FR Doc.76-5042 Filed 2-20-76; 8:45 am]

SUBPANEL ON COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION (CAUSE)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces that the Subpanel on Comprehensive Assistance to Undergraduate Science Education (CAUSE) of the Advisory Panel for Science Education, will hold meetings as indicated below:

Dates and times: (for both meetings) March 10, 1976, 7:30 p.m. to 10:00 p.m.; March 11 and 12, 9:00 a.m. to 5:00 p.m.

Locations: Dulles Marriott Hotel, Washington, D.C. and Biltmore Hotel, Los Angeles, California.

Type of meetings: Closed.

Contact Person: Dr. John A. Maccini, Program Manager, CAUSE, Rm. 408-W, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7736.

Purpose of Subpanel: To provide advice and recommendations concerning support in the CAUSE Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

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 exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close: The determination made by the Committee Management Officer, pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

FEBRUARY 18, 1976.

[FR Doc.76-5044 Filed 2-20-76;8:45 am]

TASK GROUP 11 OF THE ADVISORY COMMITTEE FOR RESEARCH

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group 11 of the Advisory Committee for Research.

Date: March 10, 1976.
Time: 9 a.m.
Place: Rm. 321, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Open.
Contact Person: Mr. Leonard F. Gardner, Executive Secretary, Advisory Committee for Research, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone 202–632–4278.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.
Purpose of Task Group: To plan for the termination of the Advisory Committee for Research and the establishment of the NSF Advisory Council.
Agenda: The task group will be formulating agenda items for the next meeting of the Advisory Committee for Research and considering possibilities for the NSF Advisory Council agenda.

GAIL A. MCHENRY,
Acting Committee Management Officer.

FEBRUARY 18, 1976.

[FR Doc.76–5043 Filed 2–20–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346A]

TOLEDO EDISON CO. ET AL.

Order

FEBRUARY 11, 1976.

Atomic Safety and Licensing Appeal Board, Alan L. Rosenthal, Chairman, in the Matter of THE TOLEDO EDISON COMPANY, *et al.* (Davis-Besse Nuclear Power Station, Unit 1).

The applicant has orally moved that the argument on the referred ruling of the Licensing Board in the above-styled antitrust proceeding be postponed for one week. In making that motion, counsel represented that the postponement is agreeable to all other parties to the proceeding. On the basis of that representation, and for good cause shown, the motion is hereby *granted*. Accordingly, argument will be heard at *10:00 a.m. on Thursday, March 11, 1976*, in the Nuclear Regulatory Commission's Public Hearing Room, fifth floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

All other provisions of our January 27, 1976 order remain in effect; except that the deadline for submitting the name[s] of the counsel who will present argument on behalf of each party is extended to and including March 4, 1976.

In the absence of a quorum, this action is taken by the Board Chairman under the authority of 10 CFR § 2.787(b).

It is so Ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–4821 Filed 2–20–76;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT STATION, UNIT NO. 2)

Notice of Hearing Respecting Proposed Amendment to Operating License and Requested Extension of Period of Interim Operation

Correction

In FR Doc. 76–3513 appearing at page 5459 in the issue for Friday, February 6, 1976, the heading should read as set forth above. Also, in the third paragraph, the second line, the word "License's" should read "Licensee's".

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Rescheduled Meeting

The meeting of the ACRS Subcommittee on Reactor Safety Research scheduled for March 2, 1976 has been rescheduled to meet on March 3, 1976. Notice of this meeting was published in FEDERAL REGISTER 416341, February 12, 1976.

All other matters pertaining to the meeting remain unchanged.

Dated: February 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–4987 Filed 2–20–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Rescheduled Meeting

The meeting of the ACRS Subcommittee on Regulatory Guides scheduled for March 2, 1796 has been rescheduled to meet on March 3, 1976. Notice of this meeting was published in FEDERAL REGISTER 41, 6342, February 12, 1976.

All other matters pertaining to the meeting remain unchanged.

Dated: February 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–4986 Filed 2–20–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE BROWNS FERRY NUCLEAR POWER PLANT UNITS 1 AND 2

Rescheduled Meeting

The meeting of the ACRS Subcommittee on the Browns Ferry Nuclear Power Plant, Unit 1 and 2, scheduled for February 26, 1976 has been rescheduled to meet on February 27, 1976. Notice of this meeting was published in FEDERAL REGISTER 41, 5682, February 9, 1976.

All other matters pertaining to the meeting remain unchanged.

Dated: February 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–4988 Filed 2–20–76;8:45]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Subcommittee and Full Committee Meetings

In order to provide advance information regarding proposed ACRS Subcommittee and full Committee meetings, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published in FR Vol. 41, No. 14, page 3112, January 21, 1976. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 4–6, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1406, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., e.s.t.

SUBCOMMITTEE MEETINGS

**Inspection and Enforcement Activities*, February 20, 1976, location changed from Washington, DC to Des Plaines, IL. To continue the discussion of third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety. Notice has been published in FEDERAL REGISTER Vol. 41, page 5458, February 6, 1976.

**Emergency Core Cooling Systems (ECCS)*, February 21, 1976, Washington, DC, to discuss rewetting phenomena. Notice has been published in FEDERAL REGISTER Vol. 41, page 5353, February 5, 1976.

**Washington Public Power Supply Systems, Projects 3 and 5*, February 24, 1976, Richland, WA to continue the review of the application of the Washington Public Power Supply System to construct Projects 3 and 5. Notice has been published in FEDERAL REGISTER Vol. 41, page 5681, February 9, 1976.

Plutonium Shipping Packages Working Group, February 26, 1976, location changed from Washington, DC to Des Plaines, IL. To review draft working papers on qualification test criteria to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. Notice has been published in FEDERAL REGISTER Vol. 41, page 5683, February 9, 1976.

**Browns Ferry Nuclear Power Plant, Units 1 and 2*, February 27, 1976, Washington, DC. Rescheduled from February 26, 1976. To discuss the March 22, 1976 fire and the resulting repairs and

corrective action. Notice has been published in FEDERAL REGISTER Vol. 41, page 5682, February 9, 1976. Notice of change of date published elsewhere in this issue.

**Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4*, February 27, 1976, Nashville, TN. Postponed indefinitely.

**North Anna Power Station, Units 1 and 2*, March 2, 1976, Washington, DC. Postponed to April 7, 1976.

**Regulatory Guides*, March 3, 1976, Washington, DC. Rescheduled from March 2, 1976. To review working papers regarding future Regulatory Guides and proposed changes to existing Guides. Notice has been published in FEDERAL REGISTER Vol. 41, page 6342, February 12, 1976. Notice of change of date published elsewhere in this issue.

**Reactor Safety Research*, March 3, 1976, Washington, DC. Rescheduled from March 2, 1976. To discuss the status of the Safety Research Experiment Facility (SAREF). Notice has been published in FEDERAL REGISTER Vol. 41, page 6341, February 12, 1976. Notice of change of date published elsewhere in this issue.

Meeting with the German Reactor Safety Commission, Federal Republic of Germany, March 3, 1976, Washington, DC. Cancelled.

**Davis Besse Nuclear Power Station, Unit 1*, March 11–12, 1976, Toledo, OH. Postponed.

**Douglas Point Nuclear Station, Units 1 and 2*, March 12, 1976, Washington, DC (tentative location) to review the application of the Potomac Electric Power Company for a construction permit.

**Emergency Core Cooling System (ECCS)*, March 16, 1976, Washington, DC to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

Waste Management, March 17, 1976, Washington, DC to discuss working papers regarding proposed waste management regulations.

**Environmental*, March 18, 1976, Washington, DC to discuss the health aspects of the use of plutonium.

**Floating Nuclear Plant*, March 19, 1976, Los Angeles, CA to discuss ACRS concerns which were reported in previous ACRS reports.

**Seismic Activity*, March 22–23, 1976, Los Angeles, CA to discuss the seismicity of the Eastern United States.

**General Electric Water Reactors*, March 25, 1976, Washington, DC to discuss the General Electric Standard Safety Analysis Report (GESSAR–238) pertaining to the nuclear steam supply system interfaces.

**Decommissioning*, March 25–26, 1976, Washington, DC to discuss procedures to be followed in decommissioning power reactors.

**Stone and Webster Standard Safety Analysis Report (SWESSAR/CE)*, March 26, 1976, Washington, DC to discuss SWESSAR/CE as it relates to Combustion Engineering, Inc.

**Generic Items*, April 6–7, 1976, Washington, DC to discuss unresolved generic items identified in ACRS letter dated March 12, 1975.

**North Anna Power Station, Units 1 and 2*, April 7, 1976, Washington, DC to review the application of the Virginia Electric and Power Company for an operating license.

**Spent Fuel Storage*, April 7, 1976, Washington, DC to discuss current modifications to increase spent fuel storage capacity.

FULL COMMITTEE MEETINGS

MARCH 4–6, 1976

A. *Washington Public Power Supply Systems, Projects 3 and 5—Construction Permit review.

B. *Browns Ferry Nuclear Power Plant, Units 1 and 2—Review of repairs and modifications as a result of the fire on March 22, 1975 at the Browns Ferry Plant.

C. *Vermont Yankee Power Station—Review of containment modifications.

APRIL 8–10, 1976

Agenda to be published later.

Dated: February 17, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–4989 Filed 2–20–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PLUTONIUM SHIPPING PACKAGES

Rescheduled Meeting

The meeting of the ACRS Working Group on Plutonium Shipping Packages scheduled to be held on February 26, 1976, at the Royal Court Inn, Des Plaines, IL has been rescheduled to be held on March 16, 1976 at the O'Hare Hilton Hotel, O'Hare International Airport, Chicago, IL. Notice of this meeting was published in FEDERAL REGISTER 41, 5683, February 9, 1976.

Persons wishing to submit written statements regarding the agenda may do so. Comments postmarked no later than March 9, 1976, to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

All other matters pertaining to the meeting remain unchanged.

Dated: February 18, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–4990 Filed 2–20–76;8:45 am]

[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]

ARIZONA PUBLIC SERVICE CO., ET AL.

Availability of Final Supplement to Final Environmental Statement for Palo Verde Nuclear Generating Station, Units 1, 2, and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Palo Verde Nuclear Generating Station, Units 1, 2, and 3 to be constructed by the Arizona Public Service Company in Maricopa County, Arizona, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. The Final Supplemental Statement is also being made available at the Department of Economic Planning and Development, State of Arizona, 1624 West Adams Street, Phoenix, Arizona, and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona.

The notice of availability of the Draft Supplement to the Final Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on December 2, 1975 (40 FR 55909). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Supplemental Statement.

Copies of the Final Supplement to the Final Environmental Statement (Document No. NUREG–0036) may be purchased, at $4.50 for printed copies and $2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Md., this 17th day of February 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76–4991 Filed 2–20–76;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Availability of Draft Environmental Statement on Preferred Closed Cycle Cooling System for Installation at Indian Point Nuclear Generating Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51 (formerly Appendix D to 10 CFR 50), notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the preferred closed cycle cooling system for installation at Indian Point Unit No. 2, located in Westchester County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the

Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 1 World Trade Center, New York, New York 10048. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by the Consolidated Edison Company of New York, Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 3, 1975 (40 FR 8855).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 12, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Md., this 17th day of February 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-4992 Filed 2-20-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT CODE OF PRACTICE AND SAFETY GUIDE

Notice of Availability of Drafts for Public Comment

The International Atomic Energy (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing standards used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

IAEA draft Safety Guide SG-D2, Fire Protection in Nuclear Power Plants, January 30, 1976 Draft, has been developed and the NRC staff is soliciting comment on it from the U.S. public. An IAEA Working Group, consisting of Mr. K. S. Somayaji of India, Mr. J. G. Helleberg of Sweden, and Mr. V. W. Panciera (U.S. Nuclear Regulatory Commission) of the United States, developed this draft from an IAEA collation during a meeting in January 1976.

In order to have comments in time for consideration at the April 1976 meeting in Vienna, Austria of the IAEA Technical Review Committee for Design, comments on this draft Safety Guide are requested by March 19, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 17th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-5197 Filed 2-20-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs. As a part of this program, a Safety Guide on Earthquakes and Associated Topics for Nuclear Power Station Siting is being developed. A draft of this Safety Guide was approved by the IAEA Technical Review Committee on Siting which met in November 1975. As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting in May 1976. The draft Safety Guide as approved by the Technical Review Committee is now available for public comment and the NRC staff is soliciting U.S. public comment on the draft.

In order to have them in time for the May 1976 meeting of the Senior Advisory Group, comments on this draft Safety Guide are requested by April 6, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 13th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-5196 Filed 2-20-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs. As a part of this program, a Safety Guide on Aseismic Analysis and Testing of Nuclear Power Plants is being developed. A draft of this Safety Guide was approved by the IAEA Technical Review Committee on Siting which met in November 1975. As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting in May 1976. The draft Safety Guide as approved by the Technical Review Committee is now available for public comment and the NRC staff is soliciting U.S. public comment on the draft.

In order to have them in time for the May 1976 meeting of the Senior Advisory Group, comments on this draft Safety Guide are requested by April 6, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nu-

clear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 13th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-5198 Filed 2-20-76;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER COMPANY

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-20 issued to Consumers Power Company (the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

In accordance with the licensee's application for a license amendment dated January 30, 1976, the amendment would (1) revise provisions in the Technical Specifications related to the replacement of fuel assemblies in the Palisades core with fuel assemblies of a different design, constituting refueling of the core for operation with Cycle 2 at power levels up to 2200 MWt (100% power), (2) incorporate operating limits in the Technical Specifications based on an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46, (3) modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and (4) terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and impose instead limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 24, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to interyene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to M. I. Miller, Esquire, Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Ill. 60670 and J. L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, the attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 30, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. The license admendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 12th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-5195 Filed 2-20-76;8:45 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC COMPANY, ET AL. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Amended Notice of Hearing on Application for Construction Permits

A Notice of Hearing on Application for Construction Permits was published in the FEDERAL REGISTER on December 9, 1974, concerning the application of Portland General Electric Company to construct the Pebble Springs Nuclear Plant, Units 1 and 2 at a site in Gilliam County, Oregon near the Columbia River (39 FR 42938). By virtue of an agreement entered into on January 23, 1976, Puget Sound Power & Light Company and Pacific Power & Light Company have now been added as joint applicants in this proceeding.

As a result of the addition of Puget Sound Power & Light Company and Pacific Power & Light Company as joint applicants, the Nuclear Regulatory Commission (Commission) is hereby issuing an amended Notice of Hearing on Application for Construction Permits for the proposed facilities. This Amended Notice does not alter or expand the issues for consideration set forth in the initial Notice of Hearing.

By this Amended Notice the Commission is, however, affording any person whose interest may be affected by the entrance of Puget Sound Power & Light Company and Pacific Power & Light Company as joint applicants the opportunity to participate in this proceeding. Any person whose interest may be affected by the entrance of the above two companies as joint applicants and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 24, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a) (1)–(4) and § 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by March 24, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to Bernard M. Bordenick, Esq., Counsel for NRC Staff, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; to Mr. Lloyd K. Marbet, c/o Forelaws on Board, F.O.B. Clearing House, Senator Building, Portland, Oregon 97204; to Richard M. Sandvik, Esq., Attorney for the State of Oregon, Department of Justice, 1133 S.W. Market Street, Portland, Oregon 97201; and to H. H. Phillips, Esq., Vice President, Corporate Counsel and Secretary, Portland General Electric Company, Portland, Oregon 97205.

For further details, see the letter from Counsel for Portland General Electric Company to the Board dated January 26, 1976, the Agreement dated January 23, 1976, which is attached to the letter, and Amendment No. 2, dated February 9, 1976, to the General Information portion of the Application for Construction Permits, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays.

Copies of these documents are also available at the City Hall Record Office, Arlington, Oregon 97812 for inspection by members of the public between the hours of 8:30 a.m. and 8:30 p.m. Monday through Friday.

Dated at Bethesda, Maryland this 18th day of February 1976.

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.76-5199 Filed 2-20-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3865]

BANKERS SECURITY VARIABLE ANNUITY FUND A ET AL.

Application for Approval of Offers of Exchange, and for an Order of Exemption

Notice is hereby given that Bankers Security Life Insurance Society ("Bankers Security"), a New York stock life insurance company, and Bankers Security Variable Annuity Fund A ("Separate Account A"), Bankers Security Variable Annuity Fund B ("Separate Account B"), Bankers Security Variable Annuity Fund C ("Separate Account C"), Bankers Security Variable Annuity Fund D ("Separate Account D"), Bankers Security Variable Annuity Fund E ("Separate Account E") and Bankers Security Variable Annuity Fund F ("Separate Account F"), unit investment trusts registered under the Investment Company Act of 1940 ("Act"), Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Income Fund, Inc., Oppenheimer Special Fund, Inc., and Oppenheimer Monetary Bridge, Inc., diversified open-end investment companies registered under the Act, and Oppenheimer Systematic Capital Accumulation Program ("OSCAP"), Oppenheimer Time Fund Systematic Capital Accumulation Program ("TIMECAP"), and Oppenheimer A.I.M. Fund Systematic Capital Accumulation Program ("AIMCAP"), unit investment trusts registered under the Act, (hereinafter collectively referred to as "Applicants") filed an application on October 3, 1975, and amendments thereto on November 20, 1975, December 4, 1975, and December 8, 1975, pursuant to section 11 of the Act for an order approving certain offers of exchange, and pursuant to section 6(c) of the Act for an order of exemption from section 27 (a)(3) and Rule 27a–2 thereunder, sections 27(d), 27(e), 27(f), and Rules 27e–1 and 27f–1 thereunder, section 26 (a) and section 27(c)(2). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Assets of Separate Accounts A and D are invested at net asset value in shares of the Oppenheimer Fund, Inc.; assets of Separate Accounts B and E are invested at net asset value in shares of Oppenheimer Income Fund, Inc.; and assets of Separate Accounts C and F are invested at net asset value in shares of Oppenheimer Monetary Bridge, Inc. Shareholders of each of the above three Oppenheimer funds, with one exception, as well as shareholders of Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc. and Oppenheimer Special Fund, Inc., may exchange shares on the basis of their relative net asset value per share at the time of the exchange without sales charge.[1] Each of the above six Oppenheimer Funds is registered as an open-end investment company under the Act.

Section 11. Section 11(a) makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to offer certain exchange privileges as follows:

First Exchange Right. Bankers Security and each of the Separate Accounts propose to offer participations in the Separate Accounts through individual single payment variable annuity contracts (Separate Accounts A, B and C also offer group single payment variable annuity contracts) to: (i) all shareholders of Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc., and Oppenheimer Income Fund, Inc. (hereinafter collectively referred to as the "Funds" and individually as a "Fund") and (ii) planholders of OSCAP, TIMECAP and AIMCAP, registered unit investment trusts (collectively referred to as "Oppenheimer Unit Trusts") in exchange for shares of the Funds held directly, and

[1] The Oppenheimer Monetary Bridge, Inc., ("Bridge Fund") is a no-load fund. Shareholders may exchange their shares of the Bridge Fund for the other Oppenheimer Funds if they pay full sales and administrative charges. A Bridge Fund shareholder cannot exchange his shares for a variable annuity contract offered by Bankers Security without first exchanging his Bridge Fund shares for the shares of one of the Oppenheimer Funds mentioned herein and paying the full sales load applicable to the purchase of shares of such Funds.

indirectly in the case of the Oppenheimer Unit Trusts. Such exchange would take place on the following basis:

Regarding a shareholder of a Fund who has been such for a period of at least 90 days, the exchange would be initiated by written request of a shareholder and delivery of any issued share certificates to the Transfer Agent, Investment Companies Service Corporation of Boston, Massachusetts. The exchange would be accomplished by the redemption of the Fund shares at net asset value next determined after receipt of the request for exchange and the reinvestment of the proceeds without a sales charge in accumulation units of the selected Separate Account at a value next determined after receipt of the assets for purchase of an individual or group variable annuity contract described above. If a deferred variable annuity is purchased, a deduction of 0.25% would be made as a premium for the minimum death benefit. In addition, there would be a fee of $5.00 for each exchange.

Any holder of (A) a single payment plan issued by any of the Oppenheimer Unit Trusts who held his plan at least 90 days, or (B) a systematic plan of TIMECAP who held his plan at least 90 days, or (C) a systematic plan issued by any of the other Oppenheimer Unit Trusts who had held his plan for at least 18 months, may exchange his plan for an individual or group variable annuity certificate.[3] The exchange would be initiated by the written request of the planholder and delivery of the plan certificate to Investment Companies Services Corporation, the agent of the custodian of the plan. The exchange would be accomplished by terminating the plan, redeeming the Fund shares held under that plan at the net asset value next determined after receipt of the request for exchange and reinvesting the proceeds without a sales charge in accumulation units of the selected Separate Account at their value next determined after such receipt. For a deferred variable annuity, there would be a deduction of 0.25% of such proceeds as as premium for the Minimum Death Benefit. In addition, there would be a fee of $5.00 for an exchange.

Applicants assert that the purpose of the First Exchange Right is to permit a shareholder or planholder who desires to carry on his investment in an investment medium managed by Oppenheimer pursuant to a variable annuity contract rather than directly or through his Plan to do so without paying a sales charge.

Applicants contend that no charges should be imposed on an exchange of securities issued by the Funds or an Oppenheimer Unit Trust for variable annuity contracts issued by the Separate Accounts because, except on the sale of securities issued by Monetary Bridge, sales charges have already been assessed. In addition, shareholders and certificateholders of the Funds and the Oppenheimer Unit Trust already are familiar with the managers of the investment companies which serve as the underlying investment media of the Separate Accounts. As a result, any selling effort in connection with the transfer will be reduced.

Second Exchange Right. Applicants propose to permit, without imposition of a sales load, exchange of deferred variable annuity contracts sold by Bankers Security on the basis of the accumulated values thereof, for other deferred variable annuity contracts sold by Bankers Security of the same type and class.

Tax qualified contracts will be issued by Separate Accounts A, B and C and non-tax qualified contracts will be issued by Separate Accounts D, E and F. Thus, a contract owner holding a contract under Separate Account A would have the option of exchanging his contract, without additional load, for a contract issued by Separate Accounts B or C on the basis of the net asset values of each Separate Account. Similarly, the non-tax qualified contracts would provide for an exchange privilege into Separate Accounts issuing no-tax qualified variable annuities.

With respect to the Second Exchange Right, Applicants contend that such exchange right is consistent with the protection of variable annuity contract owners or participants and the purposes clearly intended by the policy and provisions of the Act. The only purpose of exercising this exchange provision is to provide such contract owners and participants the right to obtain a contract which invests in shares of an investment company which operates under investment objectives more closely aligned with such contract owner's or participant's financial needs. This provides such contract owner or participant with greater flexibility in planning for his financial future.

Section 27(a)(3) and Rule 27a–2. Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a–2 under the Act exempts a registered separate account, and any depositor of or underwriter for such account, from Section 27(a)(3) if the proportionate amount of sales load deducted from any payment during the contract period does not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that where a no-load transfer from one Separate Account to another Separate Account takes effect, there will be a subsequent continuation of periodic payments subject to the sales load deductions. Accordingly, Applicants request an exemption from section 27(a)(3) and Rule 27a–2 thereunder to the extent necessary to permit such practice.

Applicants state that deductions will have already been made against past purchase payments and that the transfer from one Separate Account to another will be based on net accumulated values thereof; after these deductions were made. Applying net accumulated values from one Separate Account to another will not involve additional sales activities as to require imposition of an additional sales charge and allowing no-load transfers in the manner proposed will avoid an unnecessary imposition of charges. Applicants further state that granting the requested exemption will not conflict with the purpose of section 27(a)(3) which was to curb abuses associated with front-end load arrangements on mutual fund contractual plans by, in part, lessening the possible loss which could be incurred upon early termination of such a plan. Since the deductions for sales expenses under the Contracts do not involve the kind of front-end load arrangement at which section 27(a)(3) is directed, Applicants submit that the deductions cannot lead to the abuses intended to be curbed by section 27(a)(3). Applicants state further that the circumstances in which charges for sales and administrative expenses are applicable will be fully disclosed so that it is unlikely that any person will be misled or confused.

Sections 27(d), 27(e), 27(f), and Rules 27e–1 and 27f–1. Under sections 27(d), 27(e), and 27(f) of the Act, as here relevant, the holder of certain periodic payment certificates is given, respectively, (1) the right to surrender the certificate at any time within the first 18 months after its issuance and to receive, in cash, the value of his account and an amount equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder; (2) the right to be informed in writing, in the event that he has missed a certain number of payments required to be made pursuant to the plan, that he may surrender his certificate and receive the aforementioned payments; and (3) the right, within forty-five days after the mailing of notice of the charges to be deducted from the projected payments on the certificate and his right of withdrawal, to exercise such right of withdrawal by surrendering his certificate and receive the value of his account and the difference between the gross payments made and the net amount invested.

Applicants represent that under the terms of the First Exchange Right, exchanges would not be permitted until after the expiration of the time in which a Planholder could withdraw and receive

[3] Applicants have indicated that the distinction as to the holding period of a plan before the planholder is eligible to exchange his plan is based upon the election made by TIMECAP, pursuant to section 27(g) of the Act, to be governed by the provisions of section 27(h) which imposes different refund requirements upon TIMECAP.

a refund under his old plan. Applicants contend that while an exchange would, in form, involve the issuance of a new plan, in substance the exchange would result in a continuation of the original plan with a new underlying investment medium. Applicants submit that the protection of investors and the purposes of Section 27 do not require that an exchanging planholder, who no longer has any refund or withdrawal rights under his old plan, have such rights with respect to his new plan.

Applicants further request that exemptions be granted from the provisions of Rules 27e–1 and 27f–1. Rule 27c–1 sets forth requirements for notices to be mailed to certain purchasers of periodic payment plan certificates sold subject to section 27(d) and Rule 27f–1 sets forth requirements for the notice of the right of withdrawal required to be mailed to periodic payment plan certificate holders and exempts from section 27(f) certain periodic payment plan certificates. If exemptions from the provisions of sections 27(d), 27(e), and 27(f) are granted, Applicants assert that exemptions from the provisions of Rules 27e–1 and 27f–1 would be appropriate since these Rules are designed only to implement provisions of these Sections.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and if necessary from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants have requested an exemption from sections 26(a) and 27(c)(2) of the Investment Company Act to allow Bankers Security to be the custodian of the assets for each of the Separate Accounts; such assets will be held in the safekeeping of the Bank of Commerce in New York. The portion of the purchase payments under the Contracts allocated to the Separate Accounts will be invested in shares of one of three funds available as underlying investment media for the Separate Accounts. These shares will be issued under an open account arrangement without the use of stock certificates. Their ownership will be shown on the books and records of the underlying funds and the Separate Accounts.

Bankers Security is subject to extensive supervision and control by the New York Insurance Department. Such control and supervision, Applicants contend, provide assurance against misfeasance and afford the essential protection of trusteeship. Under New York law, Bankers Security may not abrogate its obligations under the Contracts.

Under the foregoing circumstances, the Applicants contend that the dangers against which sections 26(a) and 27(c)(2) are directed are not present in this situation and an exemption therefrom is requested.

Applicants consent to the exemptions requested herein from sections 26(a) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than March 16, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 postponement thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–5025 Filed 2–20–76;8:45 am]

[812–3389]

KEMPER MUNICIPAL BOND FUND, LTD.

Filing of Application for Exemption From Certain Provisions

Notice is hereby given that Kemper Municipal Bond Fund, Ltd. ("Applicant"), (a Nebraska Limited Partnership), 120 South LaSalle Street, Chicago, Illinois 60603, a limited partnership which will be organized under the laws of the State of Nebraska as an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 8, 1973, and amendments thereto on December 6, 1974, June 18, 1975, January 26, 1976, February 4, 1976 and February 17, 1976 pursuant to section 6(c) of the Act for an order of the Commission:

(a) Exempting the General Partners (as hereinafter defined) from the definition of "interested person" contained in section 2(a)(19) of the Act to the extent that the General Partners would be "interested persons" solely because they are partners in Applicant; and

(b) Exempting Applicant from the provisions of section 18(f)(1) of the Act to the extent that the Partnership Act (as hereinafter defined) and the Partnership Agreement may be inconsistent with the prohibition against issuance of a "senior security", as defined under section 18(g) of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant states that it will be a limited partnership organized under the provisions of the Uniform Limited Partnership Act as enacted in the State of Nebraska, Neb. Rev. Stat. §§ 67–201—67–232 ("Partnership Act"). Applicant's investment objective as stated in its Partnership Agreement is to provide for the holders of its limited partnership interests, through a diversified, managed portfolio of municipal bonds, as high a

level of current interest income which is exempt from Federal income taxes as is consistent with preservation of capital. Applicant indicates it will be organized as a limited partnership because the partnership vehicle appears to be the only form through which Applicant's objective can be achieved under current Federal income tax law. Applicant states it will be organized in Nebraska since the laws of that state specifically contemplate an investment company organized as a limited partnership and permit limited partners to exercise the rights required to enable Applicant to comply with the Act.

Applicant further states that the offering of its shares to the public is contingent upon receipt of an opinion from Nebraska counsel that Applicant has been lawfully organized and is validly existing as a limited partnership under Nebraska law; and, Applicant states Nebraska counsel is prepared to render such opinion.

In accordance with its investment objective, Applicant proposes to hold and manage a diversified portfolio of "Municipal Bonds", which term is defined in its Partnership Agreement as obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia and their political subdivisions, agencies and instrumentalities, the interest from which is exempt from Federal income tax. Applicant intends to invest all of its assets in Municipal Bonds which are rated at the time of purchase within the three highest grades by Moody's Investors Service, Inc. or Standard & Poor's Corporation, or in certain permitted temporary investments. From time to time Applicant may hold, as temporary investments, securities the interest income from which may be subject to Federal income tax.

Applicant states that on Decmber 9, 1974, and prior to its change from a closed-end to an open-end company, it received from the Internal Revenue Service revenue rulings to the effect that, *inter alia*, for Federal income tax purposes, Applicant, operating under the provisions of the Partnership Agreement, will be treated as a partnership and not an association taxable as a corporation; the General, Limited and substitute Limited Partners as holders of shares will be treated as partners of Applicant for Federal income tax purposes; and income which is exempt from Federal income taxes under the Internal Revenue Code when received by Applicant will retain its status as income exempt from Federal income tax when allocated and distributed to the partners. On June 16, 1975, Applicant received new rulings from the Internal Revenue Service to similar effect taking into consideration the change from a closed-end to an open-end company. The Internal Revenue Service further advised Applicant on January 26, 1976, that the addition of the corporate General Partner as described below will not change the advice contained in the ruling of June 16, 1975.

Applicant states that as a limited partnership, it will have two classes of partners, General Partners and Limited Partners. The General Partners will consist initially of six individuals (referred to herein as "Director General Partners") and one corporate General Partner (collectively the "General Partners"). The corporate General Partner will provide a continuing entity available to choose successor general partners and continue the partnership in the event there are no Director General Partners able to do so.

Applicant states that the corporate General Partner, which will be the investment adviser, Supervised Investors Services, Inc., will not be elected and will not vote Applicant's shares owned by it nor will it acquire additional shares except upon termination of the loan to Director General Partners, as discussed below, or through dividend reinvestment. Applicant further states that under the terms of the Partnership Agreement, the corporate General Partner will be permitted to participate in Applicant's management only in the event that no Director General Partners remain to elect to continue business and then only for the limited period of time (not in excess of 120 days) necessary to convene a meeting of the Limited Partners for the purpose of making such election.

The application also states that the Director General Partners will be responsible for Applicant's management and will supervise the activities of Applicant's investment adviser in accordance with Applicant's investment objective, policies and limitations. Except as otherwise required under the Act, the Director General Partners may act by majority vote at a meeting or by unanimous written consent without a meeting. The Director General Partners may appoint one Director General Partner to be Managing Partner who will preside at all meetings of partners and will be responsible for execution of policies established by the Director General Partners and for the administration of the Fund. The Director General Partners may delegate such functions as they may determine and, subject to the provisions of the Act, may appoint agents to perform duties on behalf of the Fund. Applicant states that the Director General Partners will perform the same functions with respect to the partnership as do the directors of incorporated investment companies registered under the Act with respect to their corporations. Applicant states that the Director General Partners will adopt by-laws prescribing the limitations on the scope of the authority of Director General Partners of the Fund set forth in the Partnership Agreement, the Partnership Act and the Act, including the rules and regulations thereunder.

Applicant represents that it has obtained a commitment from an insurance carrier to cover all employees and Director General Partners to the extent of the coverage generally available for employees of an investment company (which includes certain losses resulting from unauthorized trading in securities of the Fund) registered under the Act. In addition, Applicant states that it is negotating for an insurance policy providing meaningful errors and omissions coverage at reasonable rates for Director General Partners. The Fund will cause insurance coverage acceptable to the staff of the Commission to be in effect prior to offering shares to the public.

Applicant's Director General Partners will be divided into two classes, each of which will consist of not less than two members. The Director General Partners shall from time to time recommend to the Limited Partners the number of persons to be elected as Director General Partners for each class; provided, however, if at any time the number of Director General Partners in either class is reduced to less than two, the remaining Director General Partners shall, within 120 days, call a meeting of Director General Partners and Limited Partners for the purpose of electing an additional Director General Partner or partners so as to restore the number of Director General Partners in such class to at least two. At each annual election of Director General Partners after the first, the Director General Partners elected as members of the class the term of which expires in that year shall be elected to hold office for a term of two years from their election and until their successors are elected and qualified.

Applicant represents that the Internal Revenue Service ("IRS") has imposed as a condition of granting a favorable tax ruling to Applicant that the General Partners, as such, shall be obligated to contribute to Applicant through the purchase of its shares, an amount necessary to enable the General Partners to maintain in the aggregate an interest in each material item of Applicant's income, gain, loss, deduction or credit equal to at least one per cent of each such item at all times during Applicant's existence, or equal to such other percentage as may be required from time to time by IRS and IRS interpretations thereof in respect of limited partnerships. Applicant states that each share held by a General Partner shall be held by such person as a General Partner and not as a Limited Partner, and each such share shall be unassignable, except to another General Partner.

Applicant states that its investment adviser has agreed to loan to not less than two of Applicant's Director General Parners an amount sufficient to permit the General Partners (after taking into consideration amounts invested personally by them as General Partners) to maintain the required one per cent interest through capital investment in Applicant's shares. Applicant further states that the investment adviser will undertake to maintain and, if necessary, increase the amount of such loan so long as its investment advisory contract is in effect; and, if such contract is terminated, for up to one year upon termination by action of the Limited Partners and for up to two years after termination by the adviser; provided that, in all cases, maintenance of the loan is necessary to preserve Applicant's Federal income tax status.

Applicant represents that: (a) All shares acquired by General Partners pursuant to any such loan will be pledged to secure the loan and will be held in escrow by Applicant's custodian, dividend and transfer agent; (b) no such shares may be pledged, assigned or transferred to any person other than a General Partner; and (c) any assignment or transfer to a General Partner who is not a recipient of the loan requires the consent of the maker of the loan, the investment adviser. Applicant has received an opinion of its counsel to the effect that the provisions of the Partnership Agreement and the structure of the loan are such that the authority of a Director General Partner to engage in the management of Applicant's affairs will not be exercisable by the successors in interest of a deceased Director General Partner to whom such loan is made. Thus, Applicant states, shares acquired pursuant to the loan will at all times remain beyond the control (either actual or by operation of law) of the Director General Partners to whom the loan is made.

Applicant further states that it promptly will attempt to procure written advice from the IRS that the required one per cent interest may be satisfied through capital investment by the corporate General Partner. Upon receipt of such advice and consistent therewith, the loan will be terminated and simultaneously the capital necessary to comply with the one per cent requirement will be invested by the corporate General Partner. Any such investment by the corporate General Partner will be subject to the same termination provisions as the loan.

The application also states that the Director General Partners and Limited Partners will have the voting, approval, consent or similar rights required under the Act for voting security holders.

The Partnership Agreement provides that shares of Limited Partners are transferable. In order to complete the purchase or transfer of such shares, the Limited Partner must furnish a signed form of partnership authorization. Under the Partnership Agreement, purchasers of limited partnership interests have no right to receive distributions of Applicant until such form is received by Applicant. Applicant states that income distributions allocable to shares which have been purchased or assigned, but as to which Applicant has not received the form of partnership authorization, shall be reinvested and held by Applicant in shares for the account of the purchaser pending receipt of the requisite partnership authorization. Applicant further states that the form of partnership authorization, which includes a power of attorney and certain other representations, will be used to add or substitute, as the case may be, the purchaser as a Limited Partner and to effect amendments to the Partnership Agreement. Amendment of the Partnership Agreement admitting the purchaser as a Limited Partner evidences the consent of the General Partners. Applicant states that the General Partners, while recognizing that they have the right to withhold their consent, have stated that they intend to give their consent unless they have reason to believe that a purchaser or assignee is a minor or is not aware of the nature of a limited partnership interest.

Under ordinary circumstances, Applicant or its dealers expect to receive the partnership authorization on the same day as an initial investment in shares of Applicant is made by an investor. Applicant will process amendments to the Partnership Agreement as often as daily, when necessary. Applicant states that each agreement with its dealers will contain a partnership authorization permitting the General Partners to admit the dealer as a Limited Partner when an order for a purchase of shares is not accompanied by the partnership authorization. Thus Applicant states that the interest of the purchaser of shares, who, for example, purchases by telephonic order, will be reflected in Applicant's records and public filings as a limited partnership interest in the name of the dealer through whom the shares were purchased, as the nominee of the additional Limited Partner. Effectively, Applicant concludes, the dealer will be holding the shares of the purchaser in street name with the beneficial interest vested in the purchaser until the purchaser is substituted as a Limited Partner. Likewise, Applicant states, any interest of an assignee of shares will be represented by the interest of the assignor until the partnership authorization and appropriate evidence of assignment is received and the Partnership Agreement amended. A Limited Partner continues as such, in the case of redemption of all of the shares owned by such Limited Partner, until the next filing of the amendment to the Partnership Agreement, and, in the case of assignment, until an assignee of the shares is substituted as a Limited Partner.

Section 10(a) of the Act provides that no more than 60% of the members of the board of directors of an investment company may be interested persons of such company. Section 2(a)(19) of the Act, which defines the term "interested person", provides in subpart (A)(i) that when used with respect to an investment company, an interested person of such company means "any affiliated person of such company". The definition of "affiliated person" in section 2(a)(3) of the Act provides in pertinent part: " 'Affiliated person' of another person means * * * (D) any * * * partner * * * of such other person." Applicant asserts that under strict interpretation of the foregoing definitions, each of Applicant's General Partners would be an "interested person" of Applicant by virtue of his being a General Partner. Furthermore, the provisions of section 2(a)(3) of the Act would make all Director General Partners "affiliated persons" of the corporate General Partner (Applicant's investment adviser), with the result that the Director General Partners would become "interested persons" under section 2(a)(19)(A)(i) by reason of their being in partnership with the investment adviser.

Section 2(a)(19)(aa) provides that no person shall be deemed to be an interested person of an investment company solely by reason of "his being a member of its board of directors." Applicant asserts that it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt Applicant and the General Partners from the provisions of section 2(a)(19) of the Act to the extent that the General Partners would otherwise be deemed "interested persons" solely because they are "partners" in the partnership. Applicant further asserts that Director General Partners would seem to be included in the definition of "director" in section 2(a)(12) of the Act and the relationship of Director General Partners to Applicant is essentially identical to the relationship of directors of an incorporated investment company to such company. Furthermore, Applicant contends that since the Partnership Agreement prohibits the corporate General Partner from participating in the management of Applicant, the "affiliated" nature of the relationship of the corporate General Partner and Director General Partners is not subject to the concentration of control which section 1(b)(4) of the Act finds adverse to the public interest and which section 2(a)(19) and section 10(a) were designed to prohibit. Therefore, Applicant believes that its organization is consistent with the policy and purposes of section 2(a)(19)(A)(aa) relating to incorporated investment companies.

The application also states that the economic interests in Applicant, or shares of Partnership Interest, have equal participation in profits and losses of Applicant and equal participation upon Applicant's dissolution to the extent permitted by law. Such shares, however, may be held by either General Partners in their capacity as such, or by Limited Partners. Section 67-223 of the Partnership Act provides that upon dissolution, amounts payable to Limited Partners, including amounts payable with respect to capital, are entitled to payment prior to amounts payable to General Partners.

Section 18(f)(1) of the Act provides, in pertinent part, that "It shall be unlawful for any registered open-end company to issue any class of senior security or to sell any such security of which it is the issuer * * *." Section 18(g) of the Act defines "senior security" as "any stock of a class having priority over any other class as to distribution of assets or payment of dividends * * *."

It is Applicant's position that all of its securities, i.e., the shares of Partnership Interest—are of one class, since, under the Partnership Agreement, they are entitled to participate ratably in profits and upon dissolution. To the extent that section 67-223 of the Partnership Act requires payments to Limited Partners upon dissolution to be made before payments to General Partners, such "priority" derives from an individual's status as a General or Limited Partner, not from the terms of the security itself. It is not Applicant's intention

to create priorities in either class of Partner. To the extent that priorities may exist in order of payment upon dissolution, such priorities derive from the Partner's status under Nebraska law.

If a "senior security" is deemed to exist under Section 18, Applicant asserts that such security is clearly the shares held by Limited Partners. That being the case, Applicant asserts that it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act to exempt Applicant from the provisions of section 18(f)(1) on the basis that section 18(f)(1) clearly was not intended to apply this situation. In Applicant's case, the "junior securities" involved, if any, would be shares held by General Partners who should be fully aware of their rights under the Partnership Agreement and the Partnership Act. Applicant believes that the beneficiaries of any priorities that exist are the members of the public who become Limited Partners. Limited Partners will effectively have the power to elect all of the Director General Partners, to exercise all of the voting rights required under the 1940 Act and to amend the Partnership Agreement.

Applicant, for the foregoing reasons, requests exemption from section 18(f)(1) of the Act to the extent that the Commission determines that it is issuing a "senior security" as defined in section 18(g) of the Act.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 15, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-5026 Filed 2-20-76;8:45 am]

[70-5792]

GEORGIA POWER CO.

Proposed Sale of Interest in Two Nuclear Generating Units

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration and amendments thereto with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to sell to (1) Oglethorpe Electric Membership Corporation, an electric membership corporation organized and existing under the laws of the State of Georgia ("OEMC"), (2) the Municipal Electric Authority of Georgia, a public body corporate and politic and an instrumentality of the State of Georgia ("MEAG"), and (3) the City of Dalton, Georgia, an incorporated municipality in the State of Georgia acting by and through its Board of Water, Light and Sinking Fund Commissioners ("Dalton"), pursuant to a proposed Purchase and Ownership Participation Agreement among Georgia, OEMC, MEAG, and Dalton ("Ownership Agreement"), 30.0 percent, 30.0 percent, and 1.6 percent undivided ownership interests, respectively, as tenants in common in two 1150 MWe maximum rated nuclear generating units known as the Alvin W. Vogtle Nuclear Units Nos. 1 and 2 (collectively, "Plant Vogtle") to be located in Burke County, Georgia. Each of such sales is to be conditioned upon the completion of the others. Georgia will obtain from the Trustee for its First Mortgage Bonds a release of such undivided ownership interests in Plant Vogtle to be sold to OEMC, MEAG, and Dalton and will retain a 38.4 percent undivided ownership interest in such plant.

It is contemplated that the completion of the sales to OEMC, MEAG, and Dalton will occur simultaneously at one closing, which is anticipated to take place prior to the end of the second quarter of 1976. The closing is to be subject to, among other things, Georgia's and the purchasers' receiving requisite approvals of all applicable regulatory agencies. At the closing, OEMC, MEAG, and Dalton are to pay Georgia amounts equal to 30.0 percent, 30.0 percent and 1.6 percent, respectively, of Georgia's cost incurred in the construction of Plant Vogtle prior to the closing, plus Georgia's cost of long-term borrowings to finance such construction. Assuming the closing of such sales were to take place on May 31, 1976, Georgia would receive approximately $34,260,000 from OEMC, $34,260,000 from MEAG, and $1,828,000 from Dalton in respect of the purchase of such undivided ownership interests. Georgia expects to apply the proceeds of such sales towards the cost of its construction program and the payment of any short-term indebtedness incurred for that purpose.

After the closing, Georgia is to complete the construction of Plant Vogtle on its own behalf and as agent for the other co-owners, and Georgia, OEMC, MEAG, and Dalton are to make monthly payments in advance into a separate construction account in respect of 38.4 percent, 30.0 percent, 30.0 percent, and 1.6 percent, respectively, of all additional costs to be incurred in the construction and completion of Plant Vogtle.

Georgia will enter into a separate Operating Agreement with OEMC, MEAG, and Dalton providing for the sole operation and maintenance of Plant Vogtle by Georgia and for payment by Georgia, OEMC, MEAG, and Dalton of that portion of all costs of operation and maintenance of Plant Vogtle equal to their respective entitlements to the energy from each unit of Plant Vogtle. The Operating Agreement will terminate on June 28, 2014, subject to extension through November 16, 2018.

The Operating Agreement will require Georgia to purchase from OEMC declining fractions (beginning with 20/30 and declining to 4/30) of OEMC's capacity and energy from each unit of Plant Vogtle during the first seven years of its commercial operation, at a cost which is a function of OEMC's and Georgia's carrying costs and the operating costs attributable to the unit, except that during the period from the commercial operation of Unit No. 1 of Plant Vogtle through the following May 31 Georgia will be required to purchase all of OEMC's capacity and energy from such unit. The Operating Agreement will also require Georgia to purchase from MEAG declining fractions (beginning with ½ and declining to ⅛) of MEAG's capacity and energy from each unit of Plant Vogtle during the first seven years of its commercial operation, at a cost which is a function of MEAG's and Georgia's carrying costs and the operating costs attributable to the unit. MEAG also is to have the option to sell to Georgia up to 3/20 of MEAG's capacity and energy from both units of Plant Vogtle during any three year period or periods during the ten year period following commercial operation of the last of such units to achieve commercial operation at a cost to be agreed upon by Georgia and MEAG which may not be less than a cost determined in accordance with the provisions relating to the purchases of capacity and energy during the first seven years of commercial operation of each such unit.

Such purchases from OEMC and MEAG are to be on a 'take or pay basis' and, thus, Georgia must make the payments to OEMC and MEAG in respect of such capacity and energy regardless of the availability of capacity and energy from Plant Vogtle and Georgia's requirements therefor.

The fees and expenses to be paid or incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration 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 upon the 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 declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4995 Filed 2-20-76;8:45 am]

[File Number SR-MSTC-75-3]

MIDWEST SECURITIES TRUST CO.

Order Approving Proposed Rule Changes

On November 24, 1975, the Midwest Securities Trust Company ("MSTC"), 120 South LaSalle Street, Chicago, Illinois 60603, a wholly owner subsidiary of the Midwest Stock Exchange, Inc., submitted proposed rule changes pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") setting forth its agreement with five Chicago clearing house banks with respect to a comprehensive securities depository system and related by-law changes. These proposals provide for increased participation by banks in MSTC by allowing the banks to nominate five of the eleven members of the MSTC Board of Directors.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (40 FR 58903, December 19, 1975), and the public was invited to submit comemnts until January 9, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-11920, December 12, 1975. No letters of comment were received.

In submitting the proposal, MSTC stated, among other things, that the filing is intended to comply with the requirements of subparagraph 17A(b)(3)(C) of the Act. Subparagraph 17A(b)(3)(C of the Act provides that an entity in order to be registered as a clearing agency must have rules that assure "fair representation" of participants in the selection of directors and administration of the clearing agency's affairs. The Commission in granting MSTC's registration on December 1, 1975 exempted it from certain requirements under subsection 17A(b)(3) including subparagraph (C) thereof until the Commission grants permanent registration in accordance with subsection (c) of Rule 17Ab2-1.[1] The Commission has not made a determination, at this time, whether the proposed rule changes satisfy the requirements of subparagraph 17A(b)(3)(C) of the Act.

The Commission regards the opportunity for greater bank participation in depositories as important to the continued evolution of an efficient national system for processing securities transactions and favors efforts to grant depository users representation in the administration of depository affairs. Accordingly, the Commission finds the proposed rule changes consistent with the provision of the Act and the rules and regulations thereunder currently applicable to MSTC.

It is therefore ordered, Pursuant to section 19b-2 of the Act, that the rule changes contained in File Number SR-MSTC-75-3 be, and hereby are, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4996 Filed 2-20-76;8:45 am]

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[1] Subsection (c)(2) of Rule 17Ab2-1 under the Act requires that, in the case of any clearing agency registered in accordance with subsection (c)(1) of Rule 17Ab2-1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of section 17A(b)(3) or will institute proceedings to determine whether registration should be denied at the expiration of 18 months from the date such registration is made effective. MSTC was registered in accordance with subsection (c)(1) of Rule 17Ab2-1.

[70-5796]

SOUTHERN CO.

Proposed Issue and Sale of Common Stock at Competitive Bidding

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Southern proposes to issue and sell at competitive bidding an undetermined number of shares of its authorized but unissued common stock, par value $5 per share ("common stock"). The number of shares to be issued will be determined by Southern and set forth in its registration statement or an amendment thereto, and will be an amount which Southern estimates, in the light of market conditions at that time, will result in aggregate cash proceeds of $150,000,000. Southern states that it may request an exception from the competitive bidding requirements of Rule 50 if circumstances develop which, in the opinion of Southern, make such an exception in the best interest of Southern. The proceeds from the sale of common stock, together with treasury funds and the proceeds from the proposed sale of intermediate term notes, will be used to make capital contributions to Southern's subsidiaries of up to approximately $224,900,000, to make loans to Southern Services, Inc. of approximately $6,000,000 and to repay Southern's short-term debt, which amounted to $59,953,000 at December 31, 1975.

A statement of the fees and expenses to be incurred will be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 8, 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 the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated 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.76-4997 Filed 2-20-76;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Proposed Additional Routine Use

Notice is hereby given that the Veterans Administration is considering adding a new routine use statement in the description of the system of records entitled, "Employee Health Unit and Dispensary Records—VA", set forth on page 38098 of the FEDERAL REGISTER of August 26, 1975, and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975. The proposed statement, which follows, involves the routine use of records in the system, including categories of users and the purposes of such uses and will obviate the need for written consent of the individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 22, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: February 13, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

NOTICE OF SYSTEM OF RECORDS

In the system, "Employee Health Unit and Dispensary Records—VA", appearing at 40 FR 38098, the following routine use statement is added to read as follows:

System Name: Employee Health Unit and Dispensary Records—VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Information may be disclosed from this system of records to a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases.

* * * * *

[FR Doc.75-5008 Filed 2-20-76;8:45 am]

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on March 4 and 5, 1976, at 9 a.m. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Ms. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Adminstration Central Office (phone 202-389-5211) prior to March 4, 1976.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting.

Oral statements and/or reports from the public will be heard only between 3 p.m. and 4:30 p.m. on March 5, 1976, due to the number of items on the agenda for the meeting.

Dated: February 18, 1976.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

[FR Doc.76-5088 Filed 2-20-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 980]

ASSIGNMENT OF HEARINGS

FEBRUARY 18, 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 2860 Sub-150, National Freight, Inc., now being assigned April 26, 1976 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 140444 Sub 1, Highland Tours, Inc., now being assigned April 22, 1976 (2 days), at Jacksonville, Fla., in a hearing room to be later designated.

No. 36106, Dixie-Land Iron and Metal Co., Inc. v. The Southern Railway Company, now being assigned April 28, 1976 (3 days), at Atlanta, Georgia, in a hearing room to be later designated.

MC 140886, Mayfield Motor Line, Inc., now being continued to March 22, 1976 (2 days), at Paducah, Kentucky at the Holiday Inn, 727 Joe Clifton Drive.

MC 123916 Sub 15, Grove City Bus Lines, Inc., now assigned March 15, 1976, at Pittsburgh, Pa., will be held in Court Room 9, Post Office & Courthouse Bldg.

MC 134609 Sub 1, Oilfield Service & Trucking, Inc., now assigned March 18, 1976, at San Francisco, Calif., is canceled and reassigned to March 18, 1976 (2 days) in the Tax Court, Federal Building, 300 N. Los Angeles Street, Los Angeles, California.

MC 140818, Gray Line of Seattle, Inc., now assigned March 15, 1976 Olympia, Washington, is canceled and reassigned March 15, 1976, (1 week) at Seattle, Washington, in a hearing room to be later designated.

MC 16831 Sub 18, Mid Seven Transportation Co.; MC 41406 Sub 50, Artim Transportation System, Inc.; MC 43963 Sub 10, Chief Truck Lines, Inc.; MC 44735 Sub 23, Kissick Truck Lines, Inc.; MC 60014 Sub 40, Aero Trucking, Inc.; MC 61231 Sub 83, Ace Lines, Inc.; MC 61592 Sub 321, Jenkins Truck Lines, Inc.; MC 69116 Sub 176, Spector Freight System, Inc.; MC 76266 Sub 127, Admiral-Merchants Motor Freight, Inc.; MC 93840 Sub 20, W W Gless, dba Gless Bros.; MC 106603 Sub 142, Direct Transit Lines, Inc.; MC 114211 Sub 250, Warren Transport, Inc.; MC 114273 Sub 233, CRST, Inc.; MC 117068 Sub 49, Midwest Specialized Transportation, Inc.; MC 119493 Sub 110, Mokem Co., Inc.; MC 123407 Sub 241, Sawyer Transport, Inc.; MC 124692 Sub 153, Sammons Trucking; MC 124813 Sub 129, Umthun Trucking Co.; MC 125254 Sub 34, Morgan Trucking Co.; MC 126045 Sub 19, Alter Trucking and Terminal Corporation; MC 127811 Sub 6, Brynwood Transfer, Inc.; MC 128270 Sub 13, Redlehs Interstate, Inc.; MC 133189 Sub 8, Vant Transfer, Inc.; MC 135725 Sub 16, Fry Trucking, Inc.; MC 83539 Sub 420, C & H Transportation Co., Inc.; MC 111545 Sub 217, Home Transportation Co., Inc.; MC 72243 Sub 52, The Aetna Freight Lines, Inc.; MC 115730 Sub 6, The Mickow Corp.; MC 125708 Sub 142, Thunderbird Motor Freight Lines, Inc.; MC 141108, D & C Express, Inc.; MC-F-12565, Eleveld Chicago Furniture Service, Inc.—Purchase (Portion)—Clark Transfer, Inc.; and MC 87966 Sub 17, Eleveld Chicago Furniture Service, Inc. now being assigned March 24, 1976 at St. Paul, Minnesota and will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Roberts Street.

MC-F-12429, Monahan Transportation Co., Inc—Purchase—The Connecticut Paper Corporation and MC 60203 (Sub-No. 8), Monahan Transportation Co., Inc. now assigned March 4, 1976, at Hartford, Conn., will be held in Room 134, Federal Office Building, 450 Main Street.

MC 108531 Sub 18, Blue Bird Coach Lines, Inc., now assigned March 10, 1976, at Pittsburgh, Pa., will be held in Court Room 9, Post Office & Courthouse Bldg.
MC 140863, Amalgamated Transportation, Inc., now assigned April 5, 1976, at Washington, D.C., is canceled and application dismissed.
MC-C-8782, Petition for Investigation of Operations of Virginia Stage Lines, Inc., now assigned March 23, 1976, at Washington, D.C., is postponed indefinitely.
MC 140937, Go Lines, Inc., now assigned March 15, 1976, at San Francisco, Calif., is canceled and application dismissed.
MC 11207 (Sub-No. 356), Deaton, Inc. now assigned March 15, 1976 at New Orleans, La., is canceled and application dismissed.
MC 138469 (Sub-No. 17), Donco Carriers, Inc. now assigned March 18, 1976, at Kansas City, Mo., is canceled and application dismissed.
MC 111545 (Sub-No. 216), Home Transportation Company, Inc., application dismissed.
No. 36223, Continental Grain Company v. Chicago & Northwestern Transportation Company, et al, now assigned March 8, 1976, at Milwaukee, Wis., is postponed to May 3, 1976, (1 week) at Milwaukee, Wis., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5066 Filed 2-20-76;8:45 am]

[Rule 19; Ex Parte No. 241, 15th Rev. Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company. Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company. Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company. Reporting Marks: BO.
Bangor and Aroostook Railroad Company. Reporting Marks: BAR.
Bessemer and Lake Erie Railroad Company. Reporting Marks: BLE.
The Central Railroad Company of New Jersey. Robert D. Timpany, Trustee. Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company. Reporting Marks: CO.
Chicago and North Western Transportation Company. Reporting Marks: CGW-CMO-CNW-FDDM-MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting Marks: MILW.
Chicago, Rock Island and Pacific Railroad Company. Reporting Marks: RI-ROCK.
Chicago, West Pullman & Southern Railroad Company. Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.
Elgin, Joliet and Eastern Railway Company. Reporting Marks: EJE.
Erie Lackawanna Railway Company. Reporting Marks: DL&W-EL-ERIE.
Illinois Terminal Railroad Company. Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company. Reporting Marks: LNAC.
Norfolk and Western Railway Company. Reporting Marks: N&W-NKP-P&VW-VGN.
Missouri-Kansas-Texas Railroad Company. Reporting Marks: MKT.
Missouri Pacific Railroad Company. Reporting Marks: CEI-MI-MP-TP.
Penn Central Transportation Company. Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees. Reporting Marks: NH-NYC-PAE-PC-P&E-PRR.
St. Louis-San Francisco Railway Company. Reporting Marks: SLSF.
Soo Line Railroad Company. Reporting Marks: SOO.
Southern Railway System. Reporting Marks: CG-NS-SA-SOU.
Western Maryland Railway Company. Reporting Marks: WM.

Effective 11:59 p.m., February 16, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5063 Filed 2-20-76;8:45 am]

[AB 1 (Sub-No. 53)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Bancroft and Ledyard, in Kossuth County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kossuth County, Iowa on or before March 5, 1976, and certify to the Commission that this has been accomplished.

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

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

By the Commission, Commissioner Brown.

[AB 1 (Sub-No. 53)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

ABANDONMENT BETWEEN BANCROFT AND LEDYARD, IN KOSSUTH, COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated February 10, 1976, it has been determined that the proposed abandonment by Chicago and North Western Transportation Company of its line of railroad between Bancroft and Ledyard, a distance of 9.4 miles, all in Kossuth County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety, or ecological consequences associated with the proposed abandonment. Highways in the vicinity of the subject line are able to accommodate the resultant slight diversion to truck transportation. There are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. Furthermore, governmental units have expressed an interest in utilizing this right-of-way for recreational purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5065 Filed 2-20-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 9, 1976.

FSA No. 43123—*Lumber and Related Articles from South Fork, Colorado.* Filed by Western Trunk Line Committee, Agent, (No. A–2723), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from South Fork, Colorado, to points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 63 to Western Trunk Line Committee, Agent, tariff 134–R, I.C.C. No. A–4949. Rates are published to become effective on March 25, 1976.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–5067 Filed 2–20–76;8:45 am]

Order. At a session of the Interstate Commerce Commission, Division 2, acting as an Appellate Division, held at its office in Washington, on the 12th day of February 1976.

[Released Rates Order No. MC–894; Released Rates Application No. MC–1379]

MACHINES, SYSTEMS OR DEVICES, DATA PROCESSING, OR UNITS THAT FORM COMPONENTS OF DATA PROCESSING MACHINES, SYSTEMS OR DEVICES, OR PARTS THEREOF, NOI, CLASSIFICATION RATINGS

Upon consideration of the record in the above-entitled proceeding, including the Released Rates Board's denial Order No. MC–894, served June 13, 1975, in Application No. MC–1397, and the order of Division 2, acting as an Appellate Division, served October 1, 1975, denying petitions for reconsideration;

It appearing, That a court action has been instituted in the United States Court of Appeals for the District of Columbia (No. 75–2135, "National Motor Freight Traffic Association, Inc. v. The United States of America and Interstate Commerce Commission);"

It further appearing, that the National Motor Freight Traffic Association, Inc. and the International Business Machines Corporation have filed petitions for special relief pursuant to Rule 102 of the Commission's general rules of practice;

And it further appearing, that the development of special standards to apply in released rates cases involving unique items of extra-ordinary value and transportation characteristics may be justified, and that comments from the public should be solicited to determine whether the Board's concern for the small shipper of these items is well founded;

Wherefore, and for good cause:

It is ordered, That the petitions be, and they are hereby, granted and that, subject to the approval of the United States Court of Appeals for the District of Columbia, the order served October 1, 1975, in this proceeding be, and it is hereby, vacated.

It is further ordered, That subject to the approval of the Court, this proceeding be, and it is hereby, reopened for the purpose of entertaining comments as indicated in the notice served this date, Appendix A.

By the Commission, Division 2, acting as an Appellate Division.

[Released Rates Order No. MC–894; Released Rates Application No. MC–1379]

MACHINES, SYSTEMS OR DEVICES, DATA PROCESSING, OR UNITS THAT FORM COMPONENTS OF DATA PROCESSING MACHINES, SYSTEMS OR DEVICES, OR PARTS THEREOF, NOI CLASSIFICATION RATINGS

FEBRUARY 12, 1976.

By application filed April 29, 1975, the National Motor Freight Traffic Association, Inc., Agent (NMFTA) sought authority to establish and maintain released value ratings on the above-described articles, as follows:

Item No.	Description	Classes		
		LTL	TL	MWF
	Machinery group, subject to item 114000; business or office, subject to item 115700:			
B (new)	Machines, systems or devices, data processing, or units that form components of data processing machines, systems, or devices, see note, item C, in boxes or packages 548, 786, 1120, or when weighing each not in excess of 1,600 lb, in wirebound crates; or parts thereof NOI, in boxes:			
Sub 1	Released to a value not exceeding $5 per pound	92½	55	24.2
Sub 2	Released to a value exceeding $5 per pound but not exceeding $10 per pound.	150	92½	20.2
Sub 3	Released to a value exceeding $10 per pound but not exceeding $25 per pound.	250	125	20.2
C (new)	NOTE.—The released or declared value of the property must be entered on the shipping order and bill of lading at time of shipment in the following form: "The agreed or declared value of the property is hereby stated by the shipper to be not exceeding $_____ per pound."			

The following presently effective tariff provisions are proposed to be amended or cancelled:

Item No.	Description	Classes LTL	TL	MWF
	Machinery group, subject to item 114000; business or office, subject to item 115700:			
115740	Accounting card machines (card punching, sorting, or tabulating), in boxes or packages 548, 786, 1120 or when weighing each not in excess of 1,600 pounds, in wirebound crates, or parts, NOI, in boxes.	100	70	24.2
115760	Adding or computing machines, or parts, NOI, in boxes	100	70	24.2
	Change to read—			
	Machinery group, subject to item 114000; business or office, subject to item 115700:			
115740	Accounting card machines, etc	(1)	(1)	(1)
115760	Adding or computing machines, NOI, see note, item A, or parts thereof, NOI, in boxes.	100	70	24.2
A (new)	NOTE.—Applies only on hand portable or desk top adding, calculating, or computing machines.			

[1] Cancel, see item B.

International Business Machines Corporation (IBM) filed a petition in support of the application.

As grounds for the requested relief, petitioner generally argued that (1) the value of these commodities is generally high and there is a wide range in value. For example, the machinery used in data processing systems ranges in value from $5.49 per pound to $156.66 per pound, and the parts or components range from $4.23 per pound to $7,357.14 per pound. The average values per pound are $70.72 for data processing systems, and $1,128.79 for parts or components; (2) there is a very great risk involved in the transportation of these commodities and catastrophic claims can result. This makes the traffic unattractive to general commodity carriers when no liability limitation is available; and (3) previous permission similar to that requested has been granted to rail and household goods carriers.

The application was denied by the Released Rates Board by order served June 13, 1975. Petitions for reconsideration were filed by NMFTA and IBM, and by order served October 1, 1975, the petitions were denied. The order included the following reasons for denial:

1. It has not been shown that the lowest proposed released value represents a fair average value of the commoner forms of the machines and parts.
2. It has not been shown that the rating reduction offered to shippers in connection with the lowest released value is commensurate with the proposed reduction in carrier liability.
3. The elimination of full value ratings, subject to full carrier liability, has not been shown to be justified.
4. The number of claims filed in 1974 is not considered to have been frequent.
5. There has been no evidence presented to show that transit insurance is difficult or unreasonably expensive to maintain.

Although this proceeding is now administratively final and a court action has been instituted in the United States Court of Appeals for the District of Columbia (No. 75-2135, National Motor Freight Traffic Association, Inc. v. The United States of America and Interstate Commerce Commission) wherein the Commission's action in this proceeding is challenged, NMFTA and IBM have filed petitions for special relief pursuant to Rule 102 of the Commission's General Rules of Practice. The Commission is of the view that said petitions raise matters which justify reopening the proceedings, subject to the Court's approval, for the purpose of entertaining comments as indicated hereinafter.

This proceeding appears to present certain unique problems not present in the great majority of released rates cases. Petitioner contends, for example, that this relief is necessary to permit competition for this traffic among modes and carriers. The Commission has attempted in this case to balance the interests of the involved carriers and shippers. White, as petitioner notes, no objection to the application has been filed, the Commission may not ignore its duty to represent the public interest, and it has strived to do so in this proceeding. However, the arguments set forth in the instant petitions have convinced the Commission that comments from affected persons should be sought to determine whether the standards applied in the orders in this proceeding were proper and whether the denial of the petition was in the public interest. The Commission is especially interested in answers to the following questions.

1. The Commission stated in *Released Rates and Ratings on Engines*, 47 M.C.C. 767, 786:

> It is clear, however, that an important criterion in determining when released rates or ratings on articles should be authorized, is whether the basic value proposed, in connection with which the normal ratings and rates would apply, bears a reasonable relation to the average value of the article.

The Commission's Review Board No. 4 stated in Classification Ratings on Clothing, NOI, 349 I.C.C. 204, 242-243:

> It strongly appears that shippers would be forced to settle for far less than full value in case of loss to obtain normal ratings here. Unfortunately, this might appear obliquely to involve a determination of section 216 reasonableness in a proceeding where increases are involved and where it is necessary to determine this issue. This is because applicants would be required to show that the proposed unreleased value is at a normal rating (bearing a reasonable relation to the average value of the involved articles).[1]

[1] In case of a series of released ratings, a showing that one (perhaps the highest) is close to a normal rating at normal liability for average valued commodities involved might be necessary.

Should the released value of the involved commodities have a greater relationship to the average value of the commodity than that proposed by petitioners?

2. Should the tariff provide for full value ratings or excess value charges; Is this necessary protection for small shippers or are all shippers willing and able to secure their own transit insurance at a reasonable cost; is such insurance available to carriers at a reasonable cost?

3. Petitioners aver that may carriers do not provide transportation service for these commodities due to the high loss and damage claims that could result. They cite a few examples of extraordinarily high claims to support this practice and the need for the released rates proposed. In the past, the Commission has required a greater degree of proof in this area. Specifically, the carriers have been required in most instances to show a relatively high susceptibility to loss and damage and a high ratio of claims to revenue. Should the Commission in this and similar instances modify these or other established criteria?

Following approval of the Court for the reopening of these proceedings, the Commission will issue a subsequent Notice setting forth a filing date for answers to the above-noted questions and all other pertinent comments.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5064 Filed 2-20-76;8.45 am]

[Notice 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 17, 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.

No. MC 5296 (Sub-No. 3TA), filed February 5, 1976. Applicant: LACY'S EXPRESS, INC., P.O. Box 130, 40 Mill Street, Pedricktown, NJ. 08067. 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: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Newark, Del., as an off-route point in connection with applicant's regular route operations between Philadelphia, Pa. and Salem, N.J. Restricted to traffic having prior or subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Mannington Mills, Inc., Route 45, Salem, N.J. 08079. (2) B. F Goodrich Chemical Company, 6100 Oak Tree Blvd, Cleveland, Ohio 44131 Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 60428 (Sub-No. 9TA), filed February 6, 1976. Applicant: FOLEY & SHELDON, INC., 24 North Hillside Ave., Chatham, N.J. 07928. Applicant's representative: Ronald Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, between points in Essex County and Union County, N.J., on the one hand, and, on the other, New Paltz, N.Y., under contract with Lloyd's Gas and Service Centers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Lloyd's Gas & Service Centers, Inc., P.O. Box 730, Middletown, N.Y. 10940. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 82079 (Sub-No. 44TA), filed February 5, 1976. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed cheese spread*, requiring refrigeration, from the plant site and warehouse facilities of Quality Restaurant Suppliers, Inc. at or near Marshall, Mich., to points in Ohio. The traffic to be transported under this certificate shall not exceed 5,000 pounds to any one consignee on any shipment, for 180 days. Supporting shipper(s): Quality Restaurant Suppliers, Inc., 210 W. Oliver Drive, Marshall, Mich. 49068. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 96844 (Sub-No. 2TA), filed February 5, 1976. Applicant: URBANA CARTAGE CO., 1246 North Main Street, Urbana, Ohio 43078. Applicant's representative: John L. Alden, P.O. Box 12241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of Crown Hill Industries in Salem Township, Champaign County, Ohio, and points in Ohio, for 180 days. Supporting shippers: Crown Hill Industries, Inc. 4779 Upper Valley Pike, Urbana, Ohio, 43078. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio. 43215.

No. MC 103051 (Sub-No. 363TA), filed January 30, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37269. Applicant's representative: William G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Jefferson County, Ala., to Lynchburg, Va., Radford, Va., and Phillipsburg, N.J., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Oil Corporation, 301 South 21st St., P.O. Box 6726, Birmingham, Ala. 35210. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 107295 (Sub-No. 780TA), filed February 4, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zeh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, paperboard, and pulpboard*, from the plant site and storage facilities of Joe Piper, Inc., at or near Greenville, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Tennessee, Virginia, West Virginia, Billings, Mont. and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Perry Piper, Sales Representative, Joe Piper, Inc., P.O. Box 886, Bessemer, Ala. 35020. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 110513 (Sub-No. 21TA), filed February 6, 1976. Applicant: FELTS TRANSPORT CORPORATION, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, (1) from Hugheston, W. Va., to points in Buckhanan, Russell, Tazwell and Wise Counties, Va., and (2) from Bluefield, W. Va., to points in Russell County (except Carbo); Dickenson County (except Bartlick and Duty); and Wise County (except Coeburn) Va, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Texaco, Inc. P.O. Box 52332 Houston, Tex. 77052. Send protests to: Archie W. Andrews, District Supervisor Bureau of Operations, I.C.C. P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 11302 (Sub-No. 85TA), filed February 4, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper-type vehicles, from Hanceville, Ala., to Cleveland, Tenn.; Calhoun, Cartersville, Cedartown, Jasper, Lafayette, Ringgold and Rome, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gold Kist, Inc., P.O. Box 2210, Atlanta, Ga. 30301. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations—Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 112016 (Sub-No. 13TA), filed January 30, 1976. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by ready-to-wear apparel stores and supplies used in the conduct of such business (except commodities in bulk), between New York, N.Y. and Secaucus, N.J., on the one hand, and, on the other, Benton Harbor, Mich., under contract with Jubilee Shops, Inc., for 180 days. Supporting shippers: Jubilee Shops, Inc., 80 Enterprise Avenue, Secaucus, N.J. 07094. Send protests to: Marvin Kampel, District Supervisor Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 112520 (Sub-No. 315TA), filed February 2, 1976. Applicant: MCKENZIE

TANK LINES, INC., P.O. Box 1200, 122 Appleyard Dr., Tallahassee, Fla. 32303. Applicant's representative: Mr. Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 33202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic Acid*, in bulk, from Gonzales, Fla., to Fords, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Dist. Supv. G. H. Fauss, Jr., Bureau of Operations, I.C.C. Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113666 (Sub-No. 98TA), filed February 5, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick, 1200 Butler Road, Freeport, Pa. 16229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Porcelainized products, frit, and materials and supplies*, used in the manufacture, production, and installation of frit and porcelainized products, between the plantsite of Ingram-Richardson, Inc. located in Frankfort, Ind. on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restriction: The service authorized herein is restricted against the transportation of commodities in bulk, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Ingram-Richardson, Inc., Frankfort, Ind. 46041. Send protests to: Mr. John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 115331 (Sub-No. 403TA), filed February 3, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the facilities of Alpha Portland Cement Company, a Division of Alpha Portland Industries, Inc., at or near St. Louis, Mo., to points in Illinois, for 180 days. Supporting shipper: Alpha Portland Cement Company, P.O. Box 191, Alpha Building, Easton, Pa. 18042. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 115669 (Sub-No. 153TA), filed February 5, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten, Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk, from the plant site of American Cyanamid Company at or near Weeping Water, Nebr. to points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: R. J. Van Nostrand, Traffic Manager, American Cyanamid Company, P.O. Box 400, Princeton, N.J. 08540. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 117589 (Sub-No. 33 TA) filed February 3, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, P.O. Box 24507, Seattle, Wash. 98124. Applicant's representative: Michael D. Duppenthaler, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and articles distributed by meat packing houses*, as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Missoula, Mont., Salt Lake City, Utah, and Seattle Wash., to points in New Mexico. Supporting shipper: 4 B's Restaurants, Inc., P.O. Box 1527, Missoula, Mont. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 121082 (Sub-No. 10TA), filed February 2, 1976. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, Mich. 48238. Applicant's representative: Robert E. McFarland, 860 W. Long Lake Road, Suite 250, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *General commodities* limited to individual articles not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between Indianapolis, Ind., on the one hand, and, on the other hand, Detroit, Mich., under contract with American Delivery System, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Delivery System, Inc., Sharon Makowski, Comptroller, 300 E. Seven Mile Road, Detroit, Mich. 48203. Send protests to: District Supervisor, Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 123255 (Sub-No. 64TA), filed February 2, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, fibreboard*, with or without metal ends, from West Chicago, Ill., to Evansville, Ind., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, Post Office Box 7747, Boise, Idaho 83707. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 126736 (Sub-No. 1TA), filed February 4, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in bulk in tank vehicles, from Jacksonville, Fla., to points in South Carolina, and those points in Georgia north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 78 through Breman, Ga., to Atlanta, Ga., thence along Georgia Highway 12 through Conyers, Ga., to Madison, Ga., thence along U.S. Highway 441 through Milledgeville, Dubin, McRae, Pearson and Homerville, Ga., to the Georgia-Florida State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Trumbull Asphalt Company, Southeastern Manager, 1151 Talleyrand Avenue, Jacksonville, Fla. 32206. Send protests to: Dist. Supv. G. H. Fauss, Jr. Bureau of Operations, I. C. C. Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 129475 (Sub-No. 10TA), filed

No. MC 129475 (Sub-No. 10TA), filed February 6, 1976. Applicant: CARRELL TRUCKING CO., INC., P.O. Box 186, Monroe, Ga. 30655. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by retail department stores, between the warehouses of Sears, Roebuck and Co., Atlanta, Ga., on the one hand, and, on the other, Hayesville and Highlands, N.C., and McCormick, S.C. and Edgefield and Johnston, S.C., under contract with Sears, Roebuck and Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Sears, Roebuck and Company, Southern Territory, 675 Ponce de Leon Avenue, NE., Annex 95, Atlanta, Ga. 30395. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 133119 (Sub-No. 85TA), filed February 5, 1976. Applicant: Heyl Truck Lines, Inc., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th

St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except commodities in bulk), from Crookston and Fosston, Minn., and the Minneapolis, Minn., commercial zone, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: J. R. Simplot Co., P.O. Box 618, Crookston, Minn. 56716. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133119 (Sub-No. 86TA), filed February 6, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass spheres*, from the Jackson, Miss., commercial zone, to points in Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: B. J. Young, Controller, Cataphote Div., Ferro Corp., P.O. Box 2369, Jackson (Flowwood), Miss. 39205. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135680 (Sub-No. 6TA), filed February 5, 1976. Applicant: BEVERAGE DISTRIBUTORS, INC., 119 N. 46th Ave., Yakima, Wash. 98907. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, bottled or canned and *fruit concentrates frozen*, from Cashmere, Selah, Yakima, Wash., to Portland, Grants Pass, Milwaukie, Clackamas, Salem, Beaverton and Eugene, Oreg., and LaHabra, Corona, Santa Fe Springs, San Fernando, City of Commerce, Los Angeles, Hollywood, Riverside, National City, Northridge, Buena Park, Compton, Montebello, Vernon, Elmonte, Colton, Brea, San Diego, Anaheim, El Cajon, Commerce, Milpitas, San Francisco, Fremont, San Leandro, Redding, Sacramento, Ignacio, Fresno, Modesto, Santa Rosa, Oakland, Richmond, Santa Clara, Union City, Colma, Hayward, Stockton, and San Jose, Calif., under contract with Tree Top, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tree Top, Inc., P.O. Box 248, Selah, Wash. 98942. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Court-House, Portland, Oreg. 97204.

No. MC 141640 (Sub-No. 1TA), filed January 21, 1976. Applicant: JOHN THOMAS LOUDERMILK, doing business as D & T TRANSPORT, R.R. #4, Box 54A, Mooresville, Ind. 46158. Applicant's representative: Stephen M. Gentry, 5700 West Minnesota Street, Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum* in shipper owned containers, from the plantsite of the Anaconda Company, Aluminum Division at or near Sebree, Ky., to Bedford, Ind., under a contract with Anaconda Company, Aluminum Division, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anaconda Company, Aluminum Division, Director of Transportation, First National Tower, Louisville, Ky. 40201. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 141745 TA filed January 28, 1976. Applicant: ROBERT F. RANDGAARD, doing business as BOB'S TRUCKING, 2610 East Whitton, Phoenix, Ariz. 85016. Applicant's representative: Robert F. Randgaard (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and trim*, including *upholstery and drapery fabric and related accessories*, from New Orleans, La., to Phoenix, Ariz., Bakersfield, Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, San Ysidro, Santa Clara and Stockton, Calif., and El Paso, Tex., under contract with American Textile and Trim Co., Inc., for 180 days. Supporting shipper: American Textile & Trim Co. Inc., P.O. Box 53382, 819 S. Broad Street, New Orleans, La. 70153. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 141748 TA filed January 23, 1976. Applicant: JENSON-WILCKEN, INC., P.O. Box R, Pocatello, Idaho 83201. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can ends and rejected shipments*, on return, from Ogden, Utah, to points Ada, Bingham, Bonneville, Canyon, Cassia, Jefferson, Madison, Minidoka, and Twin Falls, Counties, Idaho, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Serra Monte Plaza, 355 Gellert Blvd, Dale City, Calif. 94015. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 141761TA, filed February 3, 1976. Applicant: KENNETT TRANSPORTATION COMPANY, INC., West Main Street, Conway, N.H. 03818. Applicant's representative: O. Lee Gregory, P.O. Box 904, Conway, N.H. 03818. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk by specialized bulk tankers, requiring special products handling to avoid product contamination, in tank vehicles, between Fryeburg, Maine and Conway, N.H., and between Conway, N.H., and Lewiston, Me., under contract with J. V. Components Inc., for 180 days. Supporting shipper(s): J. V. Components, Inc., Mill Street, Conway, N.H. 03818. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 313 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5068 Filed 2-20-76;8:45 am]

[Ex Parte No. 241; 14th Rev. Exemption No. 10]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY

Exemption Under Mandatory Car Service Rules

Correction

In FR Doc.76-4195 appearing on page 6357 of the issue for Thursday, February 12, 1976, in the bracketed heading at the beginning of the document "4th Rev." should read "14th Rev.", as set forth above.

federal register

MONDAY, FEBRUARY 23, 1976

PART II:

CONSUMER PRODUCT SAFETY COMMISSION

■

EMPLOYEE STANDARDS OF CONDUCT

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1030—EMPLOYEE STANDARDS OF CONDUCT

Promulgation of Regulations

The Consumer Product Safety Commission, in accordance with Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officials and Employees," and 5 CFR 735.101 et seq., hereby promulates Employee Standards of Conduct.

These regulations are rules of agency organization, procedure or practice and are not subject to the rulemaking procedures of 5 U.S.C. 553. They are, therefore, effective upon publication.

These provisions are intended to govern employee conduct in order to prevent conflicts of interest and other improper situations in order to assure public confidence in the integrity of the Commission's actions.

Accordingly, Title 16, Code of Federal Regulations is amended by adding a new Part 1030 as follows:

Subpart A—General Provisions

Secs.

Subpart B—Proscribed Actions

Subpart C—Gifts, Entertainment and Favors

Subpart D—Outside Employment and Other Activities

Subpart E—Financial Interests

Subpart F—Statements of Employment and Financial Interests

Subpart G—Conduct on the Job

Subpart H—Financial Responsibility

Subpart I—Political Activity

Subpart J—Disciplinary and Remedial Action

Subpart K—Provisions Relating to Special Government Employees

Subpart L—Post Employment Restrictions Applicable to Former Commission Officers and Employees

Subpart M—Disclosure of Information About an Individual

NOTE.—Appendices A, B, C, D and F filed as part of the original document.

Subpart A—General Provisions

§ 1030.101 Purpose.

In order to assure that the business of the Consumer Product Safety Commission (hereinafter referred to as the Commission) is conducted effectively, objectively, and without improper influence or the appearance thereof, all Commission employees must observe the highest standards of conduct and be guided by the Code of Ethics for Government Service as outlined in Appendix A. Commission employees must avoid any real or apparent conflict between their private interests and their public duties. This regulation meets the Commission's obligation to set reasonable and fair safeguards for the prevention of employee conflicts of interest in order to assure public confidence in the integrity of the Commission's actions.

§ 1030.102 Applicability.

These regulations apply to all officers and employees of the Commission, including regular officers of the Public Health Service Commission Corps assigned to the Commission and employees detailed to the Commission from other Agencies, except that the regulations in this part apply to special Government employees only to the extent stated in Subpart K of this regulation.

§ 1030.103 Responsibilities.

(a) Each Commission employee shall be responsible for observing the specific provisions of these regulations and the statutes referenced in Appendix B.

(b) Although each employee is accountable for his or her own conduct, supervisors are responsible to a large degree for ensuring that the standards set forth in this regulation are observed by employees under their supervision. They must become familiar with the Commission's regulations and ensure that all employees under their supervision are made aware of the provisions of these regulations. Supervisors shall take suitable action, including disciplinary action when necessary, when violations occur.

§ 1030.104 Interpretation and advisory service.

(a) The Assistant Director, Division of Personnel Management is designated the Consumer Product Safety Commission Ethics Counselor for all matters pertaining to Standards of Conduct for Commission employees. The Ethics Counselor is responsible to the Executive Director for:

(1) Reporting to the Executive Director recommendations and determinations made by the Ethics Counselor under this part; and

(2) Submitting his/her Statement of Employment and Financial Interest to the Executive Director.

(b) The Ethics Counselor shall:

(1) Provide advice and guidance to employees on questions under this part;

(2) Submit questions on the interpretation of the law, rules and regulations related to employee conduct to the Office of the General Counsel for consideration;

(3) Ensure that prospective employees are informed of the requirements of section 4(g)(2) of the Consumer Product Safety Act as prescribed in § 1030.1201 of this Part;

(4) Consult with employees whenever there appears to be a conflict of interest or other violation under this Part;

(5) Make determinations as to the existence of conflicts of interest or other proscribed actions under this Part;

(6) Advise and/or make recommendations to the employee or appropriate official for resolution of any conflict of interest or other violation under this Part;

(7) Assure that each employee is aware of his or her right to use the grievance system to challenge determinations made by the Ethics Counselor.

Subpart B—Proscribed Actions

§ 1030.201 General.

An employee shall avoid any action which might result in or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person, company, or organization;

(c) Impeding efficiency or economy;

(d) Compromising independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Otherwise affecting adversely the confidence of the public in the integrity of the Government.

Subpart C—Gifts, Entertainment and Favors

§ 1030.301 Accepting gifts and expenses from outside sources.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, travel, or any other thing of monetary value from a person or organization who:

(1) Conducts operations or activities that are regulated by the Commission;

(2) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's duties.

(b) The following are exceptions to the restrictions set forth in paragraph (a) of this section:

(1) Acceptance of food and refreshments of nominal value on an infrequent occasion in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where other arrangements are not possible.

(2) Acceptance of modest entertainment, such as a meal or a refreshment, in connection with attendance at widely attended gatherings sponsored by industrial, technical, consumer, or professional organizations; provided that the sponsor is not a private individual or firm.

(3) Acceptance of gifts, favors, or entertainment, where there is an obvious family or personal relationship between the employee, or between his spouse, children, or parents, and the donor, and where the circumstances make it clear that it is that relationship, rather than the business of the persons concerned, which is the motivating factor for the gift, favor, or entertainment.

(4) Purchase of articles at advantageous rates where such rates are offered to Government employees as a class.

(5) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(6) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal value.

(7) Acceptance of incidental, short-distance transportation in kind from a private organization, provided it is furnished in connection with the performance of the employee's official duties when other transportation is not otherwise available or convenient.

(c) An employee shall not accept an honorarium, transportation expenses, or per diem from a private source when the employee is on official duty, under Commission orders, and the travel or per diem expenses are payable by the Commission. However, the Commission may accept gifts, including reimbursement for employee travel expenses, pursuant to § 1030.304 of this Subpart.

(d) A gift or gratuity the receipt of which is prohibited under this subpart shall be returned to the donor. If return is not possible, the gift or gratuity shall be turned over to a public or charitable institution and a report of such action, and the reasons why return was not feasible, shall be made to the Ethics Counselor. When possible, the donor also shall be informed of this action.

§ 1030.302 Gifts to official superiors.

An employee shall not solicit a contribution from another employee for a gift to an official superior, or make a donation as a gift to an official superior. An employee in a superior official position shall not accept a gift or contribution from employees receiving less salary than himself or herself. However, this paragraph does not prohibit a gift of nominal value or a donation in a nominal amount made on a special occasion, such as marriage, illness, or retirement.

§ 1030.303 Acceptance of awards.

(a) This subpart does not preclude an employee from accepting an award or recognition of achievement from a charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, provided that such acceptance does not create or appear to create a conflict of interest for the employee.

(b) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in accordance with 5 U.S.C. 7342.

§ 1030.304 Commission authority to accept gifts and voluntary and uncompensated services.

Section 27(b)(6) of the Consumer Product Safety Act (15 U.S.C., section 2076(b)(6)) gives the Commission the authority to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of Section 3679 of the Revised Statutes (31 U.S.C. 665 (b)). The authority of the Commission to accept gifts does not authorize employees to accept gifts in their individual names. However, certain employees of the Commission may accept such gifts and services on behalf of the Commission in accordance with the Commission's directive on gifts and voluntary services.

Subpart D—Outside Employment and Other Activities

§ 1030.401 General.

(a) An employee shall not engage in any outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her government employment whether or not in violation of any specific provision of a statute. As used in this Part, the term "outside employment or other outside activity" refers to any work, service, or other activity performed by an employee other than in the performance of his or her official duties. It includes such activities as writing and editing, teaching, lecturing, consulting services, self-employment, and other work or services with or without compensation. Incompatible outside activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in any circumstances in which acceptance may result in, or create the appearance of a conflict of interest;

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his or her Commission duties and responsibilities in an acceptable manner;

(3) Outside employment which might give the impression that the employee's outside activities are official acts of the Commission or represent official points of view;

(4) Outside employment that takes the employee's time and attention during official work hours;

(5) Outside employment in an organization whose business activities are subject to Commission regulation unless:

(i) The regulated activities of the organization are an insignificant part of its total operations;

(ii) The outside employment is in non-regulated activities of the organization.

§ 1030.402 Outside employment.

(a) Employees considering engaging in outside employment shall be guided by the limitations of § 1030.401.

(b) An employee shall give advance notice of any such employment to the Office, Bureau, or Area Office Director. Notice shall be given on CPSC Form 241.

The Office, Bureau or Area Office Director shall complete the form with appropriate recommendation and forward it to the Ethics Counselor for approval.

§ 1030.403 Compensation from private sources for official services.

An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the Government except as provided in § 1030.303 of Subpart C.

§ 1030.404 Outside professional or consultative work.

(a) Employees may engage in outside professional or consultative work only after meeting the following conditions:

(1) The work is not to be rendered to organizations, institutions, or state or local governments with which the official duties of the employee are directly related, and/or the work creates a conflict or apparent conflict of interest.

(2) The work is not to be rendered for compensation to help organizations, institutions, or state or local governments in the preparation of offers to develop standards, grant applications, contract proposals, program reports, or other materials which are intended to become the subject of dealings with the Commission.

(b) All requests to perform consultative services, either compensated or uncompensated, for organizations, institutions, or government units which have or will be awarded contracts or grants in the near future from the Commission must be carefully appraised to avoid any conflict or apparent conflict of interest.

(c) Employees shall give advance notice of all outside professional or consultative work to the Office, Bureau or Area Office Director. Notice shall be given on CPSC Form AAAA. The Office, Bureau, or Area Office Director shall complete the form with appropriate recommendation and forward it to the Ethics Counselor for approval.

(d) For the purpose of this section, "professional and consultative work" is work performed in such occupations as those listed in Chapter 300, Appendix A of the Federal Personnel Manual.

§ 1030.405 Outside writing and editing.

Employees are encouraged to engage in outside writing and editing, whether or not done for compensation. Such outside writing and editing may be on a subject related or unrelated to an employee's official duties. Certain conditions must be met in either case, as set forth below:

(a) The following conditions shall apply to all outside writing and editing whether related or unrelated to the employee's official duties:

(1) Government-financed time or supplies shall not be used by an employee in connection with the activity;

(2) Commission support must not be expressed or implied in the material itself or in advertising or promotional material, including book jackets and covers; and

(3) The activity must not involve approval or disapproval of advertising matter.

(b) In addition to observing the conditions described in paragraph (a) of this section, an employee should omit use of his or her official title or affiliation with the Commission with respect to any writing and editing activities unrelated to the employee's official duties or, alternatively, use his or her official title and affiliation with a disclaimer, as described in paragraph (c) of this section.

(c) A disclaimer shall be used in all publications in which an employee uses his or her official title or affiliation with the Commission unless the Executive Director, upon request, determines that the nature of the publication is such that a disclaimer is not necessary. The disclaimer shall read as follows: "This (article, book, etc.) was (written, edited) by (employee's name) in his/her private capacity. It is not intended nor should it be inferred that opinions expressed herein represent the official position of the Consumer Product Safety Commission."

(d) An employee shall not use Commission information which is exempt from disclosure by the terms of the Freedom of Information Act in outside writing activities unless, upon written request, the Secretary determines that the exemption will be waived and the information may be publicly disclosed.

§ 1030.406 Teaching and lecturing activities.

(a) Employees are encouraged to engage in teaching and lecturing activities which are not part of their official duties under the following conditions:

(1) Government-financed time and materials shall not be used in connection with such activity;

(2) Government travel or per diem funds shall not be used for these purposes;

(3) Such teaching or lecturing is not dependent on specific information which would not otherwise be available to the public under the Freedom of Information Act, unless upon written request, the Secretary determines that the information may be publicly disclosed;

(4) Teaching or lecturing may not be for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission that depends on information obtained as a result of Govenment employment, except when that information has been made available to the general public or will be made available on request.

(b) Employees shall give advance notice of all outside teaching and lecturing activities to the appropriate Office, Bureau or Area Office Director. The Office, Bureau or Area Office Director shall complete the form with appropriate recommendation and forward it to the Ethics Counselor for approval.

§ 1030.407 Endorsement of a product or organization by a Commission employee.

Employees are prohibited from endorsing a product subject to the jurisdiction of the Commission or the manufacturer of such a product or endorsing a consumer group because it might create the appearance of:

(a) Giving preferential treatment;

(b) Compromising independence or impartiality, and

(c) Affecting adversely the confidence of the public in the integrity of the Commission.

§ 1030.408 Membership in organizations and professional societies.

(a) Employees may be members of professional, educational, public service, consumer, civic, or similar organizations and be elected or appointed to office in such an organization.

(b) Empoyees shall avoid any real or apparent conflict of interest in connection with such membership. For example, they must not:

(1) Directly or indirectly commit the Commission on any matter;

(2) Permit their name(s) to be attached to documents, the distribution of which would be likely to embarrass the Commission;

(3) Serve as representatives of such organizations in dealing with the Government;

(4) Bring any claim or proceeding before a federal agency or against the Federal Government in a court of law on behalf of the organization;

(5) Offer their views as the official views of the Commission unless the Commission has officially stated its views on a particular matter through an official Commission vote.

(c) In undertaking any office or function beyond ordinary membership in a professional association, a Commission employee must obtain advance approval from the Ethics Counselor in any situation in which the responsibilities as an officer would create a real or apparent conflict of interest with the responsibilities as a Commission employee.

§ 1030.409 Union activities.

Notwithstanding the provisions of § 1030.408, employees may participate in union activities to the extent permitted by applicable statutes, Executive Orders, regulations, and labor-management agreements.

§ 1030.410 Voluntary standards organization.

The Commission regulations governing employees' membership in voluntary standards organizations are set forth in 16 CFR Part 1031 (June 20, 1975; 40 FR 26023).

Subpart E—Financial Interests

§ 1030.501 General provisions.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities. The financial interest of a spouse, minor child, or other member of an employee's immediate household, as defined in § 1030.607, shall be considered as the interest of the employee. In cases where a question of outside financial interest

arises, the employee shall request guidance from the Ethics Counselor.

(b) An employee shall not engage directly or indirectly in financial transactions as a result of, or primarily relying on information obtained through Commission employment which is not otherwise available to the general public.

(c) Ordinarily, the following types of financial interests are considered too remote or inconsequential to affect the integrity of an employee's service and therefore, would not necessarily constitute a substantial conflict of interest:

(1) In an organization whose Commission-regulated activities are an insignificant part of its total operations;

(2) In an organization whose Commission-regulated activities are a significant part of its total business operations, provided: (i) The holding is less than $5,000 (value or cost at time of initial reporting), and (ii) the holding represents less than one (1) percent of the total outstanding stock shares of that organization, and (iii) no more than 50 percent of the employee's total investment value is concentrated in significantly regulated industries; or

(3) In a widely held diversified mutual fund or regulated investment company.

(d) While examples provided in paragraph (c) above may not constitute a substantial conflict of interest, each employee designated in Subpart F and Appendix E of this Part, must report all such financial interest regardless of how inconsequential.

(e) Employees who are required to submit employment and financial interest statements in accordance with Subpart F may not participate for the Commission in any matter relating to an organization in which he or she has a financial interest without full disclosure of the financial interest to the Ethics Counselor and a written determination by the Ethics Counselor in accordance with 18 U.S.C. 208(b)(1) that the interest is not so substantial as to be likely to affect the integrity of services which the Commission may expect from an employee.

(f) Employees not required to submit employment and financial interest statements but who otherwise meet the requirement of § 1030.601 of this part regardless of grade, shall be bound by the provision of (e) above.

§ 1030.502 Special provisions applicable to Commissioners.

As provided by Section 4(c) of the Consumer Product Safety Act (15 U.S.C. 2053(c)), a Commissioner shall not: (1) be in the employ of, or hold any official relations to, any person engaged in selling or manufacturing consumer products as defined in Section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)); or (2) own stock or bonds of substantial value in a person so engaged; or (3) in any other manner be pecuniarily interested in such a person, or in a substantial supplier of such a person. In addition, a Commissioner may not engage in any other business, vocation, or employment.

Subpart F—Statements of Employment and Financial Interest

§ 1030.601 Employees required to submit employment and financial interests statement.

Commission employees in certain positions have been determined to have duties and responsibilities which require them to report their employment and financial interests in order to ascertain possible conflict of interest situations and to protect the integrity of the Commission. Accordingly, employees in the following positions (identified specifically in Appendix E) are required to submit a Confidential Statement of Employment and Financial Interests (CPSC Form 219) in accordance with the provisions of this Subpart:

(a) Employees paid at a level under the Executive Schedule in Subchapter II of Chapter 53 of Title 5, United States Code;

(b) Employees in positions which have basic duties and responsibilities regarding the incumbent to exercise judgment in making Government decisions or in taking Government action in regard to (1) contracting or procurement, (2) administering or monitoring grants, (3) standards development, (4) rulemaking, (5) compliance activities or (6) other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

§ 1030.602 Inclusion of new positions.

As new positions are established or duties of other positions changed to bring them within the criteria in § 1030.601, they shall be identified by the Executive Director for inclusion in Appendix E.

§ 1030.603 Employee's complaint on filing requirement.

An employee may complain and obtain review through the Commission's grievance procedures if he or she believes that his or her position has been improperly included under § 1030.601 as one requiring the submission of a statement of employment and financial interests.

§ 1030.604 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in § 1030.601 (listed in Appendix E) may be excluded from the reporting requirement when the Ethics Counselor determines that:

(1) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests by the incumbent is not necessary because of the degree of supervision and review over the incumbent; or

(2) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict of interest situation is remote.

(b) Exclusions under this provision must be documented in writing and retained by the Ethics Counselor.

§ 1030.605 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests under this Subpart shall submit that statement to the Ethics Counselor not later than:

(1) Thirty days after the effective date of this Subpart if employed on or before that effective date; or

(2) Thirty days after entrance on duty.

(b) Employment and financial interest statements, are required to be submitted directly to the Director, Division of Personnel Management.

§ 1030.606 Supplementary statement.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208 or Subpart E of this Part.

§ 1030.607 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood or in-law relations who are residents of the employee's household.

§ 1030.608 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his or her behalf.

§ 1030.609 Confidentiality of employees' statements.

The Commission shall hold each statement of employment and financial interests, and each supplementary statement, in confidence in accordance with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) and Subpart N of this Part. Employees authorized to review and retain the statements are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of Subpart E. Disclosure of employment and financial interest statements (or supplementary statements) to persons other than authorized Commission personnel shall be governed by the Commission's regulations implementing the Privacy Act (16 CFR Part 1014).

§ 1030.610 Effect of employee statement on other requirements.

The requirements of this Subpart are in addition to the requirements concerning administrative approval for certain activities as specified in Subpart E of this Part. Also, the requirements of this Subpart are in addition to and not in substitution for or in derogation of, any other requirement imposed by law, order or regulation. The submission of a Statement of Employment and Financial Interests or supplementary statement by an employee does not permit the employee to participate in a matter which is otherwise prohibited by law or regulation.

Subpart G—Conduct on the Job

§ 1030.701 General.

An employee's conduct on the job is, in all respects, of concern to the Federal Government. Courtesy, consideration, and promptness in dealing with others must be shown in carrying out official responsibilities. In addition, specific rules and regulations have been set which must be observed as discussed below.

§ 1030.702 Support of Commission programs.

(a) When a Commission program is based on law or Executive Order, every employee has an obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation. However, an employee is not prohibited from:

(1) Testifying as a representative of the Commission on pending legislative proposals before Congressional Committees on request; or

(2) Assisting Congressional Committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

§ 1030.703 Use of Government funds.

Several laws carry penalties for misuse of Government funds. These apply to:

(a) Improper use of official transportation forms (18 U.S.C. 508);

(b) Improper use of payroll and other vouchers and documents on which Government payments are based (18 U.S.C. 285);

(c) Taking or failing to account for funds with which an employee is entrusted in his or her official position (18 U.S.C. 643); and

(d) Taking Government funds, property or records for personal use (18 U.S.C. 641).

§ 1030.704 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property, entrusted or issued to him or her. For example:

(a) Only official documents and materials may be processed on Government reproduction facilities.

(b) Government automobiles may be used only on official business and may not be used for personal use or for travel to or from an employee's place of residence.

(c) Government telephones may not be used to make personal long distance calls.

§ 1030.705 Conduct in federal buildings.

(a) An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this Section does not preclude activities:

(1) Necessitated by an employee's law enforcement duties; or

(2) Involving fund raising within the federal service under Section 3 of Executive Order 10927 and similar Commission approved activities.

(b) General Services Administration regulations "Conduct on Federal Property" (Appendix F) are applicable to Commission employees inasmuch as Commission buildings and space are under the control of the GSA. These regulations prohibit, among other things, gambling and consumption of intoxicating beverages on the premises.

Subpart H—Financial Responsibility

§ 1030.801 General.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For purposes of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and "in a timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his or her employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

Subpart I—Political Activity

§ 1030.901 Applicability.

(a) All employees in the Executive Branch of the Federal Government are subject to the basic political activity restrictions in Subchapter III of Chapter 73 of Title 5, U.S.C. (the Hatch Act) and Civil Service Rule IV as summarized in Appendix D. The Federal Personnel Manual contains more detailed information on this subject and may be reviewed in the Personnel Office.

(b) Intermittent employees are subject to the restrictions when in active duty status only and for the entire 24 hours of any day of actual employment.

(c) Employees on leave, on leave-without-pay or on furlough or terminal leave, even though the employee's resignation has been accepted, are subject to the restrictions. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restriction during the period covered by the lump-sum payment or thereafter, provided he or she does not return to federal employment during that period. An employee is not permitted to take leave of absence to work with a political candidate, committee, or organization or become a candidate for office with the understanding that he or she will resign his or her position if nominated or elected.

(d) An employee is accountable for political activity by another person acting as his or her agent or under the employee's direction or control if he or she is thus accomplishing indirectly what he or she may not lawfully do directly and openly.

(e) Each Commission employee should be acquainted with the restrictions placed on political activities as summarized in Appendix D and shall refrain from engaging in any political activity which is prohibited.

Subpart J—Disciplinary and Remedial Action

§ 1030.1001 Disciplinary action.

(a) Violation of these regulations may be cause for disciplinary action which may be in addition to any penalty prescribed by law. Disciplinary action shall be administered in accordance with the Commissions' Directive on Adverse Actions.

(b) The type of disciplinary action to be taken shall be determined in relation to the specific violation. No standard table of penalties has been established for application in the Commission. Those responsible for recommending and for taking disciplinary action must apply judgment in each case, taking into account the general objectives of meeting any requirements of law, deterring similar offenses by the employee and other employees and maintaining high standards of employee conduct and public confidence. Some types of disciplinary actions to be considered are;

(1) Oral admonishment;
(2) Written reprimand;
(3) Reassignment;
(4) Demotion;
(5) Suspension;
(6) Separation.

§ 1030.1002 Remedial action for conflicts of interest.

Where a statement of employment and financial interest of an employee or special Government employee shows a real or potential conflict of interest with the employee's official responsibilities, consideration should be given by the Ethics Counselor and, if necessary, the em-

ployee's supervisor, to reconciling the conflict through remedial action. The following are examples of such actions which may be appropriate:

(1) Divestment by the employee or special Government employee of his or her conflicting interest;

(2) Disqualification of the employee for a particular assignment;

(3) Changes in the employee's assigned duties.

Subpart K—Provisions Relating to Special Government Employees

§ 1030.1101 Applicability.

The requirements of this Subpart apply to employees designated by law (18 U.S.C. 202) as "special Government employees". The term includes employees who are retained, designated, appointed, or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis. In addition, "special Government employees" shall adhere to the standards of conduct made applicable to regular employees by this Part.

§ 1030.1102 Use of Government employment.

A special Government employee shall not use his or her Commission employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or herself or for another person, particularly one with whom he or she has family, business, or financial ties.

§ 1030.1103 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his or her Government employment for private gain for himself or herself or another person either by direct action on his or her part or by counsel, recommendation, or suggestion to another person, particularly one with whom he or she has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

§ 1030.1104 Other activities.

A special Government employee may teach, lecture, write, or engage in other non-Commission activities in a manner not inconsistent with Subpart D of this Part.

§ 1030.1105 Coercion.

A special Government employee shall not use his or her Commission employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person, particularly one with whom he or she has family, business, or financial ties.

§ 1030.1106 Gifts, entertainment, and favors.

A special Government employee, while so employed or in connection with his or her employment shall not receive or solicit from a person having business with the Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or herself or another person, particularly one with whom he or she has family, business, or financial ties.

§ 1030.1107 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself or herself with the statutory provisions that relate to his or her conduct as a special Government employee of the Commission (Appendices B & C).

§ 1030.1108 Statement of financial interests required.

(a) Each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests which relate whether directly or indirectly to his or her duties and responsibilities.

(b) A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of a special Government employee by the Commission. Each special Government employee shall submit a supplemental statement whenever there is a significant change in financial interests as reported in the prior statement.

(c) The statement of employment and financial interests shall be submitted directly to the Ethics Counselor.

(d) The Ethics Counselor may waive the requirement for the submission of a statement of employment and financial interests in the case of a special Government employee if the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Commission. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

§ 1030.1109 Political activity.

Special Government employees and intermittent employees are subject to the political activity restrictions of Subchapter III of Chapter 73 of Title 5, U.S.C. (the Hatch Act) and Civil Service Rule IV when in active duty status only and for the entire 24 hours of any day of actual employment.

Subpart L—Post Employment Restrictions Applicable to Former Commission Officers and Employees

§ 1030.1201 Statutory prohibition against accepting employment or compensation from a manufacturer.

(a) Section 4(g)(2) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(2)) provides, in part: "No full time officer or employee of the Commission who was at any time during the 12 months preceding the termination of his or her employment with the Commission compensated at a rate in excess of the annual rate of basic pay in effect for grade GS–14 of the General Schedule, shall accept employment or compensation from any manufacturer subject to this Act, for a period of 12 months after terminating employment with the Commission." This restriction is intended to insure that persons will not seek employment with the Commission or use their Commission employment as a means of subsequently gaining employment with manufacturers subject to the Act or as a means of acquiring manufacturers subject to the Act as future clients.

(b) For the purpose of section 4(g)(2) above:

(1) The term "manufacturer subject to the Act" means any person who manufacturers or imports a consumer product. The terms "manufacturing," "imports," and "Consumer products" are defined in sections 3(a)(8), 3(a)(13) and 3(a)(1) of the Act, respectively.

(2) The phrase "compensated at a rate in excess of the annual rate or basic pay in effect for grade GS–14 of the General Schedule" shall be construed to exclude persons in the first step of a grade GS–14, but to include persons in the second step of a grade GS–14 and above. It shall also include persons in lower grades, e.g., GS–13, whose in-step rate of compensation exceeds the compensation for the first step of a grade GS–14.

(c) Every prospective employee shall be informed of the prohibitions against post employment activities contained in section 4(g)(2) of the Consumer Product Safety Act and these regulations by the Office of Personnel. At time of employment, each person shall sign a form (Certification of Understanding (Exhibit IV)) stating that he or she understands the provisions of section 4(g)(2) of the Consumer Product Safety Act and these regulations.

§ 1030.1202 Statutory prohibition against former officers and employees acting in matters connected with former duties or responsibilities.

18 U.S.C. 207 prohibits a former Government officer or employee from representing another person in connection with certain matters in which he or she participate personally and substantially as an officer or employee. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 prohibits a former employee for a period of one year after his or her employment has ceased, from appearing personally for another person in such matters before a court, department or agency if the matters were within the area of his or her official responsibility at any time within a period of one year prior to the termination of such responsibility.

Subpart M—Disclosure of Information About an Individual

§ 1030.1301 Applicability.

(a) Every officer and employee who is involved in the design, development, op-

eration, or maintenance of a system of records or who has access to a system of records shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the CPSC regulations issued thereunder and apply these requirements to all systems of records.

(b) No officer or employee shall disclose any record which is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is to a recipient specified in paragraph (c) of this section. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name or the identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint, voiceprint, or photograph. The term "system of records" means a group of any records under the control of CPSC from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The term "routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552(e).

(c) An employee may disclose any record which is contained in a system of records without a written request by and without the prior written consent of the individual to whom the record pertains if the disclosure is:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Pursuant to section 552 of Title 5 U.S.C.;

(3) For a routine use as defined in section (a) (7) of the Privacy Act of 1974 (described in paragraph (b) of this section);

(4) To the Bureau of the Census for purposes of planning or carrying out a census of survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his or her designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of the individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress, or a subcommittee of any such joint committee;

(10) To the Comptroller General or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(d) No officer or employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the indivadual about whom the records is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No officer or employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) An officer or employee

(1) Who by virtue of his or her employment or official position has possession of or access to agency records which contain individually identifiable information the disclosure of which is prohibited by paragraph (a) of this section or by any other rules or regulations established under the Privacy Act of 1974, and who

(i) Knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or

(ii) Willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or

(iii) Knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses, is subject to criminal penalties and administrative sanctions; or

(2) Who

(i) Makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974; or

(ii) Refuses to comply with an individual's request to gain access to review and to obtain a copy of any information pertaining to him or her; or

(iii) Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to ensure fairness in any determination relating to the qualifications, character, rights, or opportunities of or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(iv) Fails to comply with any provision of the Privacy Act of 1974 or any CPSC regulation implementing it, subjects CPSC to civil penalties and himself or herself to administrative sanctions.

APPENDIX E

POSITIONS REQUIRING SUBMISSION OF STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

1. All CPSC positions classified at GS-16 and above (or equivalent), and

2. The following positions ranging from GS-11 through GS-15 (or equivalent)

Office of the Commissioners

Immediate Office of each Commissioner

Special Assistant(s), GS-14/15.

Office of the Secretary

Director, GS-301-15.

Office of Public Affairs

Director, GS-1081-15.
Deputy Director, GS-1081-14.

Office of the General Counsel

General Counsel, GS-905-17/18.
Attorney/Attorney Advisor, GS-905-11/15.

Office of Administrative Law Judges

Administrative Law Judges.
Law Clerk, GS-11.

Office of the Executive Director

Executive Director, GS-340-16/18.
Associate Executive Director for Regulatory Development, GS-340-16.
Associate Executive Director for Field Enforcement, GS-340-15.
All Positions GS-13 and above.

Office of Program Planning and Evaluation

Director, GS-1515-16.
Deputy Director, GS-1515-15.
Chief, Planning and Analysis Division, GS-345-15.
All Positions GS-13 and above.

Division of Budget and Operations

Director, GS-1515-15.
Operations Research Analyst, GS-1515-14.
Budget Officer, GS-560-14.
Budget Analysts GS-13 and above.

Division of Evaluation and Special Studies

Director, GS-1515-15.
Operations Research Analyst, GS-1515-15.
All Positions GS-13 and above.

Office of Resource Utilization

Director, GS-341-15.
Management Analyst, GS-343-14.

Division of Personnel Management

Director, GS-201-15.
Assistant Director, GS-201-14.

Division of Financial Management

Director, GS-510-14.
Supervisory System Accountant, GS-510-14.

Division of Contracts

Director, GS–1102–14.
Supervisory Contract Specialist, GS–1102–14.
Contract Specialist, GS–1102–11 and above.

Division of Administrative Services

Director, GS–342–13.
Office Service Manager, GS–342–13.

Office of Management Systems

Director, GS–334–15.
Supervisory Systems Analyst, GS–334–14.
Supervisory Computer Specialist, GS–334–14.

Office of Field Coordination

Director, GS–340–15.
Deputy Director, GS–340–14.
All Positions GS–14 and above.

Division of Program Guidance

Director, GS–345–15.
Program Analyst, GS–345–14.

Division of State Programs

Director, GS–345–14.
Program Analyst, GS–345–14.

Office of Standards Coordination and Appraisal

Director, GS–1301–16.
All Positions GS–13 and above.

Technical Analysis Division

Director, GS–340–14/15.
All Standards Coordinators, GS–11 and above.

Impact Analysis Division

Director, GS–1101–15.
All Positions GS–13 and above.

Technical Liaison Division

Director, GS–301–15.
All Positions GS–13 and above.

Voluntary Standards Division

Director, GS–301–15.
All Positions GS–12 and above.

Legal Documents Division

Director, GS–301–15.
All Positions GS–13 and above.

Office of the Medical Director

Medical Officer, GS–602–15.
All Positions GS–11 and above.

Office of Product Defect Identification

Director, GS–340–15.
All Positions GS–11 and above.

Bureau of Biomedical Sciences

Director, GS–401–15.
Associate Director for Operations, GS–301–15.
Assistant to the Director for Special Programs, GS–1320–15.

Division of Poison Prevention Packaging

Director, GS–685–15.
All Positions GS–11 and above.

Division of Physical Sciences

Director, GS–1320–15.
All Positions GS–11 and above.

Division of Biological Sciences

Director, GS–401–15.
All Positions GS–11 and above.

Division of Scientific Coordination

Director, GS–301–15.
All Positions GS–13 and above.

Bureau of Information and Education

Director, GS–1701–15.
Deputy Director, GS–1701–15.

Division of Consumer Education

Director, GS–1701–15.

Division of Publication & Technical Services

Director, GS–1081–15.
All Positions GS–14 and above.

Division of Training & Manpower

Director, Division of Training & Manpower, PHS Comm. Corps.
All Positions GS–14 and above.

Division of Community Information Programs

Director, GS–1701–15.

Bureau of Compliance

Director, GS–905–16.
Deputy Director, GS–340–15.
Attorney-Advisor, GS–905–15.

Legal Division

Director, GS–905–15.
All Attorney Positions.

Inspection and Enforcement Division

Director, GS–696–15.
All Positions GS–11 and above.

Bureau of Epidemiology

Director, GS–601–16.
Deputy Director, GS–601–15.
Survey Statistician, GS–1530–15.
Public Health Analyst, GS–685–14.
Mathematic Statistician, GS–1529–13.

Division of Injury Surveillance

Director, GS–340–15.
All Positions GS–13 and above.

Division of Injury Investigation

Director, GS–685–15.
All Positions GS–13 and above.

National Injury Information Clearinghouse

Director, GS–1412–12.

Division of Hazard Evaluation

Director, Division of Hazard Evaluation, GS–801–15.
All Positions GS–11 and above.

Bureau of Economic Analysis

Director, GS–110–15.

Division of Standards Analysis

Director, GS–110–14/15.

Division of Special Economic Studies

Director, GS–110–14/15.
Economist, GS–110–11/14.
Trade Specialist, GS–1140–12.

Bureau of Engineering Sciences

Director, GS–801–16.
Deputy Director, GS–801–15.

Division of Product Standards

Director, GS–830–15.
All Positions GS–11 and above.

Division of Basic Standards

Director, GS–830–14/15.
All Positions GS–11 and above.

Division of Special Engineering Studies

Director, GS–1301–15.
All Positions GS–11 and above.

Engineering Laboratories

Director, GS–1301–14.
All Positions GS–11 and above.

Area Offices

Director, GS–340–13/15.
Compliance Officers, GS–696–12/13.

Division of Operations

Director, GS–696–13/14.
All Investigative Positions GS–5 and above.

Laboratory Division

Director, GS–1320–13.
All Positions GS–11 and above.

Division of Community Services

Director, GS–11/14.

Effective date. The regulations promulgated in this document shall become effective February 23, 1976.

Dated: February 17, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–4920 Filed 2–20–76;8:45 am]

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