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WEDNESDAY, FEBRUARY 25, 1976

highlights

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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 (See 41 FR 5453). 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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 7—PROCEDURES FOR A NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

By publication of this notice the Department of Commerce hereby promulgates procedures for the operation of a national voluntary laboratory accreditation program. The procedures are set out in their entirety below.

The procedures appended to this notice have been carefully reviewed pursuant to the provisions of Executive Order No. 11821 dated November 27, 1974 (39 FR 41501 dated November 29, 1974) and Office of Management and Budget Circular No. A–107 dated January 28, 1975, and it has been determined that the promulgation of these procedures will have no major inflationary impact. Each laboratory accreditation program initiated under these procedures to accredit testing laboratories that serve a specific product will be carefully examined and evaluated before any final finding of need regarding such program is issued to ascertain whether such program would have a major inflationary impact under the criteria described in that Executive Order and Office of Management and Budget Circular.

The goal of this program is to provide in cooperation with the private sector a national voluntary system to examine upon request the professional and technical competence of private and public testing laboratories that serve regulatory and nonregulatory product and certification needs. The program is also intended to accredit those laboratories that meet the qualifications which will be established under these procedures.

On May 8, 1975, the Department of Commerce announced in the FEDERAL REGISTER (40 FR 20092–95) proposed procedures under which a national voluntary laboratory accreditation program would be carried out. The notice invited interested persons to participate in the proposed rulemaking by submitting written comments or suggestions to the Department. In addition, the notice advised that it would hold two informal hearings on the proposed procedures.

Following the publication of the mentioned May 8 notice, approximately 150 written statements were submitted to the Department and over 25 persons testified at the two informal hearings that were held.

The comments and testimony represented input from Federal and State agencies, professional and scientific societies, standards organizations, trade associations, a variety of industrial groups and companies within such groups, testing laboratories and individuals. The written comments and testimony are part of the public record which is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

The comments and testimony on the proposed procedures have been carefully considered and evaluated. A summary and analysis of the public's comments and testimony has been prepared by the Department. This document also is available for inspection and copying at the Department's Central Reference and Records Inspection Facility mentioned above.

A number of substantive changes in the proposed procedures have been made as a result of the public's comments. Some of the more significant changes include a structuring of the program on a product-by-product basis rather than on a class of technology basis. Initially, it was presumed that there existed general and concurrent needs within various classes of technology for the accreditation of laboratories to test all, or many, of the various products within each class. On the basis of the comments received, it is believed that this assumption may not be valid. Accordingly, the procedures have been revised to allow the initiation of accreditation services on a product-by-product basis. To counter the potential for establishment of innumerable separate services that might result, the revised procedures will allow the Secretary of Commerce to group similar or related products, as appropriate, when initiating accreditation services.

The proposed procedures called for the establishment of a National Laboratory Accreditation Board, composed only of Federal employees, for each class of technology for which a need has been determined. This Board was to develop and recommend to the Secretary, criteria which testing laboratories desiring to be accredited would have to meet. To assist each Board that was established there would also be established, for consultation purposes, a National Laboratory Accreditation Advisory Committee which would include representatives from the private sector. In order, however, to allow for a greater participation of the private sector in the development of criteria, the concept of separate Boards and Advisory Committees has been dropped. The revised procedures provide for the establishment of National Laboratory Accreditation Criteria Committees which will be composed of government and private sector members. The Secretary will consider the recommendations of these Committees in promulgating accreditation criteria.

Although the proposed procedures spoke of the need for coordination in carrying out the program, they lacked any arrangement of coordination with other programs that may exist or be in development. Accordingly, in order to enable a national institutional mechanism for laboratory accreditation to serve as a focus for coordinating laboratory examination and accreditation programs that now exist or may develop in the Federal, State and private sectors, the coordination feature has been revised and highlighted in the revised procedures. A reference to coordination with such governmental and private sector programs and its importance in this program is set out in the introductory portion of the procedures which describes the program and its goals. Also, section 4(d) of the procedures requires the Secretary to solicit the views of Federal regulatory agencies before commencing the accreditation process if he believes that the accreditation of testing laboratories to serve a specific product affects an existing or developing testing laboratory examination or accreditation program of such regulatory agencies. Objections by the head of those agencies would be sufficient cause for the Secretary to cease further actions regarding that particular accreditation program. In cases where other Federal agencies have an interest in a particular laboratory accreditation program being carried out the Secretary is required, under section 9 of the revised procedures, to consult with appropriate officials at the policy-making levels of those agencies. Moreover, those agencies would have the opportunity to designate representatives to serve on each National Laboratory Accreditation Criteria Committee established by the Secretary of Commerce in which they had an interest.

The proposed procedures emphasized a concern with the technical competence of those testing laboratories that would be accredited under this program. Many comments, however, expressed the view that laboratories equally competent on a technical basis are not of equal utility to all users. It was contended that users require information of a non-technical nature concerning testing laboratories and that the kind of information needed is identified in general criteria standards developed by consensus standards groups.

Others commented that testing laboratories engaging in certain product assurance activities should, for accreditation, be required to operate in accordance with appropriate professional and ethical business criteria. Otherwise, such laboratories, even though technically competent, could unduly restrict trade, impose unnecessary restrictions on their clients, and keep desirable products from the marketplace.

On the basis of these comments and after further reflection on the matter, the revised procedures state clearly that this program may examine the professional as well as the technical competence of testing laboratories. The general criteria established by the Secretary and the Criteria Committee call for the inclusion of professional and ethical business practices, as appropriate, in such criteria. These considerations are stated clearly in sections 2 and 7(a) of the revised procedures.

Effective date. The procedures set out below shall become effective on February 25, 1976.

Issued February 20, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Part 7 is added to Title 15 CFR to read as follows:

Sec.
7.1 Purpose.
7.2 Description and goal of program.
7.3 Definitions.
7.4 Finding of need to accredit testing laboratories.
7.5 Statement of the basis for a preliminary finding of need.
7.6 Establishment and functions of a National Laboratory Accreditation Criteria Committee.
7.7 Development and recommendation of criteria for accrediting testing laboratories.
7.8 Publication of proposed criteria.
7.9 Coordination with Federal agencies.
7.10 Establishment of fees and charges.
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7.16 Amendment or revision of criteria.
7.17 User education and reports.
7.18 Support function.

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended; sec 1, 64 Stat. 371 (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI.

§ 7.1 Purpose.

The purpose of this part is to establish procedures under which a National Voluntary Laboratory Accreditation Program will function.

§ 7.2 Description and goal of program.

(a) This program establishes a national voluntary system that would examine the professional and technical competence of testing laboratories that serve regulatory and non-regulatory product evaluation and certification needs. Laboratories that meet the qualifications established pursuant to the procedures set out below would be accredited. This program will also require those laboratories that are accredited to maintain their qualification status through periodic checks and examinations.

(b) The program will seek through coordination and consultation, to maximize benefits derived from other laboratory examination and accreditation activities. In this way, it is intended that the program will avoid duplication of other laboratory examination or accreditation programs conducted by the public and private sectors. To this end, the Secretary will insure that close and continuing coordination and consultation is undertaken and maintained with interested representatives of Federal, State and local governments and of the private sector, including those from professional and trade associations and societies.

(c) The intended goal of this program is to serve, on a timely basis, the needs of industry, consumers, the Government, and others by accrediting this nation's testing laboratories. The achievement of this goal would be sought by fostering and promoting a uniformly acceptable base of professional and technical competence in testing laboratories and by establishing a background of experience necessary to the orderly evolution of a laboratory accreditation system designed to serve national needs as they develop.

§ 7.3 Definitions.

(a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "Product" includes the plural thereof and means a type or a category of manufactured goods, constructions, installations and natural and processed materials or those associated services whose characterization, classification or functional performance determination is specified by standards.

(c) The term "Criteria Committee" means a National Laboratory Accreditation Criteria Committee appointed by the Secretary under these procedures.

(d) The term "person" means associations, companies, corporations, educational institutions, firms, government agencies at the Federal, State and local level, partnerships, and societies, as well as divisions thereof, and individuals.

(e) The term "testing laboratory" means any "person", as defined above, whose functions include testing, analyzing or inspecting "products," as defined above, and/or evaluating the designs or specifications of such "products" according to the requirements of applicable standards.

(f) The term "general criteria" means those characteristics of a testing laboratory commonly found in, and generally expected of, such a laboratory serving the product under consideration. See in this connection § 7.7(a).

(g) The term "specific criteria" means those detailed requirements deemed essential to assuring an acceptable examination and evaluation of the testing function performed by a testing laboratory in performing specific tests related to identified standards for the product under consideration. See in this connection § 7.7(a).

§ 7.4 Finding of need to accredit testing laboratories.

(a) Any person may request the Secretary to find that there is a need to accredit testing laboratories which render services regarding a specific product so that it may be ascertained whether such product meets the requirements of applicable standards.

(b) Such a request shall be in writing and will include the following:

(1) Identification of the product;

(2) Text of an applicable standard;

(3) Text of a test method, if not included in the applicable standard identified in paragraph (b)(2) of this section; and

(4) Basis of need for accrediting testing laboratories that serve the product identified in paragraph (b)(1) of this section. The basis will provide information relative to the items set out in § 7.5 and will include, where appropriate, documentary evidence on such items as:

(i) the number of testing laboratories that is believed will want to be accredited to serve the product identified in paragraph (b)(1) of this section; and

(ii) the number of users of testing laboratories that is believed will desire services of testing laboratories accredited to serve the product identified in paragraph (b)(1) of this section.

(c) The Secretary may ask for more information to support a request made under paragraph (a) of this section if he feels it is necessary to do so. If on the basis of the information provided or because of the lack of resources, the Secretary is unable to justify the making of a preliminary finding of need, he will decline to act further on the request. The Secretary shall in that event notify the requester in writing within ten (10) working days after making a decision and shall state the reasons for so declining.

(d) If a request received under this section is believed to affect an existing or developing testing laboratory examination or accreditation program of a Federal regulatory agency, the Secretary shall seek from the head of such agency its views relative to the Secretary's making a preliminary finding of need. If within thirty (30) days after receipt of the Secretary's solicitation of views, or such extension of time as may be agreed to by the Secretary, the head of the affected Federal regulatory agency explains, in writing, his objections to the Secretary's making a preliminary finding of need, the Secretary shall cease to act further on the making of such finding. In that event, the Secretary shall notify the requester of such objections and of his declination to act on the request pursuant to paragraph (c) of this section.

(e) If, on the basis of the information provided to him, the Secretary finds that a need exists to accredit testing laboratories that serve a specific product, he shall publish a notice in the FEDERAL REGISTER indicating that such finding is a preliminary finding. The notice shall include a statement as called for in § 7.5 as to the basis for the Secretary's finding

and shall provide at least a thirty (30) day period for the submission of written comments thereon. In the event that a public hearing or hearings are held on this preliminary finding as authorized under paragraph (f) of this section, the period allowed for the submission of written comments shall be extended to the date on which such hearing or hearings are held.

(f) Interested persons wanting to express their views in an informal hearing shall notify the Secretary of that desire within fifteen (15) days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings may be held at two locations, one of which shall be east of the Mississippi River and the other west thereof. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentation.

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230, and will be available for public inspection at that location.

(g) After evaluating the comments received, the Secretary shall publish a notice in the FEDERAL REGISTER making a final finding of need or withdrawing his preliminary finding of need to accredit testing laboratories that serve a specific product. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

(h) The notice published under paragraph (g) of this section, if it sets out the Secretary's final finding of need, will also include:

(1) Identification of the product for which testing laboratories will be accredited to serve;

(2) The identification of applicable standards, including the test methods involved; and

(3) A statement that the Secretary is publishing simultaneously with this notice, a separate notice in the Federal Register advising that pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, dated October 6, 1972) the Secretary will form a National Laboratory Accreditation Criteria Committee pursuant to § 7.6 or will utilize an existing Criteria Committee previously established under that section. Except where the Secretary utilizes an existing Criteria Committee such separate notice will outline the functions and duties of the Committee, its size, and the basis for selection of the members thereof.

§ 7.5 Statement of the basis for a preliminary finding of need.

The statement setting forth the basis for the preliminary finding of need referred to in § 7.4(e) shall as a minimum address the following items:

(a) Whether the establishment of general or specific criteria and other conditions for accrediting testing laboratories that serve a specific product would benefit the public interest;

(b) Whether there is a national need to accredit testing laboratories for the specific product involved beyond that served by any existing laboratory accreditation programs in the public or private sector;

(c) Whether for the specific product involved, there is in existence a standard that is deemed by the Secretary as being of importance to commerce, consumer well-being, or the public health and safety;

(d) Whether there is in existence a valid testing methodology as determined by the Secretary for ascertaining conformity to the standard of the specific product involved; and

(e) Whether it is feasible and practical to accredit testing laboratories that serve the specific product involved.

§ 7.6 Establishment and functions of a National Laboratory Accreditation Criteria Committee.

(a) The Secretary will establish a Criteria Committee and appoint the Chairman and members thereto following:

(1) Publication of the separate FEDERAL REGISTER notice referred to in § 7.4(h)(3) that announces the Secretary's intention to form a Criteria Committee, as distinguished from an announcement of intent to utilize an existing committee; and

(2) The filing of a charter setting forth the purpose and nature of the Criteria Committee.

(b) The membership of the Criteria Committee will be composed of employees of the Department of Commerce, other Federal agencies, and qualified representatives chosen from among producers, distributors, users, consumers, testing laboratories, academia, and general interest groups, including State and local governmental bodies and agencies affected by the Secretary's finding of need to accredit testing laboratories serving a specific product. The membership of each Criteria Committee shall be selected so as to provide an equitable balance that represents the interests affected by the Secretary's finding of need.

(c) The establishment and functioning of each Criteria Committee formed and utilized by the Secretary under these procedures shall be governed by the applicable provisions of the Federal Advisory Committee Act, cited earlier herein. Persons selected to serve on a Criteria Committee may be paid travel expenses and per diem, provided authorized travel is involved.

(d) Upon formation of the Criteria Committee, the Secretary will request it to develop and recommend to him general and specific criteria to accredit testing laboratories that serve a specific product. The Secretary, in a written communication to the Chairman of the Committee, shall designate a time period for the development of general and specific criteria.

(e) When developing general or specific criteria, the Criteria Committee may, where it deems such action to be appropriate, consult with other interested public and private parties, including Federal, State and local agencies and private standards bodies. Exchanges of correspondence, memorandums and other evidence of such consultation will be made a matter of public record.

§ 7.7 Development and recommendation of criteria for accrediting testing laboratories.

(a) The Secretary, and the Criteria Committee acting at the request of the Secretary, in developing general and specific criteria to accredit testing laboratories that serve a specific product shall consider factors such as:

(1) For general criteria pertaining to testing laboratories:

(i) Organization;

(ii) Staff;

(iii) Physical plant;

(iv) Operational processes;

(v) Control procedures;

(vi) Quality assurance; and

(vii) Professional and ethical business practices, as appropriate.

(2) For specific criteria pertaining to testing laboratories:

(i) Personnel and equipment qualifications required of the testing laboratory function;

(ii) Requirements applicable to proficiency sample programs;

(iii) Application requirements;

(iv) Initial and periodic examination and audit procedures; and

(v) Professional and technical qualifications of personnel who examine testing laboratories.

(b) The general and specific criteria developed under this section for accrediting testing laboratories will be based upon criteria found in existing standards where such existing criteria are deemed appropriate. Where appropriate existing criteria cannot be found, the Criteria Committee will, at the request of the Secretary, undertake to develop and recommend to him such appropriate general and specific criteria as may be needed.

(c) The criteria shall contain instructions for making application by testing laboratories serving the product involved and shall require that each testing laboratory that desires to participate in this program must agree to conditions that include but are not limited to the following:

(1) Be examined and audited, initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status in consumer media and in product advertising or on product labels, containers and packaging or the contents therein.

(d) The criteria shall contain a statement that compliance by testing laboratories with the general and specific criteria and other conditions established by the Secretary and which are accredited by him under these procedures shall in no way relieve such laboratories from the necessity of also observing and being in compliance with any existing Federal, State and local statutes, ordinances, and regulations that may be applicable to the operation of such laboratories, including consumer protection and antitrust laws.

(e) In carrying out the activities authorized by this section:

(1) No action will be taken or criteria developed that would prohibit the accreditation of a testing laboratory solely on the basis of that laboratory's association or nonassociation with manufacturing, distributing or vending organizations, or because the testing laboratory is a foreign firm;

(2) No action will be taken under this program to develop a product standard or test method standard;

(3) No action will be taken under this program to modify a product standard or a test method standard where such a standard is in existence;

(4) No general or specific criteria will be promulgated unless compliance with such criteria and its implementation has been determined by the Secretary to be feasible and practical and not contrary to the public interest; and

(5) The Secretary, under this program, will not ask for or accept confidential business data, trade secrets or other proprietary information.

§ 7.8 Publication of proposed criteria.

(a) Upon its development of the general and specific criteria for accrediting testing laboratories under § 7.7, the Criteria Committee shall forward its recommendations for such criteria to the Secretary for his consideration. The Secretary, after consideration of such criteria will publish in the FEDERAL REGISTER a notice giving the complete text of the proposed general and specific criteria, and inviting any interested persons to submit written comments on such proposed criteria within forty-five (45) days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary.

(b) Interested persons wanting to express their views in an informal hearing shall notify the Secretary of that desire within fifteen (15) days after such proposed criteria are published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings be held at two locations, one of which shall be east of the Mississippi River and the other west thereof. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript will be kept of any oral presentation.

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230, and will be available for public inspection at that location.

(c) The Secretary upon receipt of all written and oral comments will request the Criteria Committee to conduct and return to him in writing, within a time period specified by the Secretary, its evaluation and recommendations with respect to such comments. After considering the Criteria Committee's evaluation and recommendations, the Secretary will prepare his evaluation and publish in the FEDERAL REGISTER a notice:

(1) Announcing the final general and specific criteria that testing laboratories must meet in order to be accredited and the date when such final criteria shall go into effect which shall not be less than thirty (30) days after the date of publication of such notice;

(2) Stating that the proposed general and specific criteria will be further developed before final publication; or

(3) Withdrawing the proposed general and specific criteria from further consideration.

§ 7.9 Coordination with Federal agencies.

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies that have an interest in and may be impacted by the laboratory accreditation program carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials at policy making levels within those agencies. These coordination efforts will include opportunities for representatives designated by those agencies to serve on each Criteria Committee established by the Secretary in which those agencies have an interest.

§ 7.10 Establishment of fees and charges.

(a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this program shall establish fees and charges for examining, accrediting, and auditing testing laboratories. The fees and charges established by the Secretary, which may be revised by him when he deems it appropriate to do so, shall be in amounts calculated to maximize the self-sufficiency of this program. A separate notice will be published in the FEDERAL REGISTER simultaneously with the notice of proposed general and specific criteria referred to in § 7.8(a). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed criteria in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final general and specific criteria referred to in § 7.8(c)(1), he shall simultaneously publish a separate notice in the FEDERAL REGISTER setting forth the final schedule of fees that will be charged testing laboratories that serve a specific product. The effective date of such final schedule of fees shall be the same as the date on which the final general and specific criteria are to take effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent FEDERAL REGISTER notices and shall take effect not less than thirty (30) days after the date of publication of such notice. Mention of such revisions shall also be published in the appropriate quarterly reports referred to in § 7.17(a).

§ 7.11 Participation of testing laboratories.

(a) Each testing laboratory serving a product for which final general and specific criteria have been promulgated under § 7.8(c)(1), and desiring to be accredited under this program, will notify the Secretary of its desire pursuant to the provisions of such criteria.

(b) After receipt and evaluation of the testing laboratory's application and information contained therein, the Secretary shall, upon the acceptance thereof, notify the applicant testing laboratory and the National Bureau of Standards in writing of the specific applicable examination requirements for accreditation and the fees and charges for such examination and accreditation. If the application is not accepted, the Secretary shall notify the applicant testing laboratory of the reasons for rejection of its application, and such testing laboratory may reapply under § 7.13(d) after correcting the deficiencies set out in the Secretary's notification of rejection. Alternatively, the applicant testing laboratory shall have thirty (30) days to request a hearing pursuant to 5 U.S.C. 556. In the event, however, that the applicant testing laboratory requests a hearing within that thirty (30) day period the Secretary's rejection shall be stayed until the hearing held pursuant to 5 U.S.C. 556.

(c) A testing laboratory desiring to be accredited under this program to serve the product identified by the Secretary in his final finding of need under § 7.4(g) in accordance with the standards and test methods identified by the Secretary in that finding must meet the general and sepcific criteria promulgated by him.

(d) Upon receipt by the National Bureau of Standards of the applicant testing laboratory's written request for examination and of the fees and charges specified in paragraph (b) of this sec-

tion, the National Bureau of Standards, on behalf of the Secretary, will arrange for by contract or will itself conduct, the examination in accordance with the examination requirements of the Secretary. In all cases where testing laboratories are examined, the National Bureau of Standards will assure that the personnel used by the contractor or by the National Bureau of Standards possess the professional and technical qualifications set out in the specific criteria promulgated under § 7.8(c)(1). If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report was prepared by a contractor, the National Bureau of Standards, before making payment thereunder or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

(e) The Secretary, after reviewing the examination report furnished under paragraph (d) of this section, will make a determination granting or proposing to deny accreditation to the applicant testing laboratory, not later than twenty (20) working days following the date on which the report is received by him. If the determination is not made within such time limit, the Secretary shall notify the applicant testing laboratory in writing of the reasons for the delay. Upon making his determination, the Secretary will notify the testing laboratory in writing of its accreditation status. If the Secretary proposes to deny accreditation to an applicant testing laboratory, the notification will state the reasons for such proposed denial.

(f) If an applicant testing laboratory is notified by the Secretary that he proposes to deny accreditation, the testing laboratory shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to the applicant in the event that the applicant does not appeal such notification by the end of that thirty (30) day period. In the event, however, that the applicant testing laboratory requests a hearing within that thirty (30) day period, the Secretary's proposed denial shall be stayed until the hearing held pursuant to 5 U.S.C. 556.

§ 7.12 Reference to accredited status.

Except as limited under § 7.7(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical and trade publications: "Accredited by the Department of Commerce, National Laboratory Accreditation Program for (appropriate wording as authorized by the Secretary's notification under § 7.11(e))."

§ 7.13 Revocation or termination of accreditation of a testing laboratory.

(a) If the Secretary finds that a testing laboratory which he has previously accredited has violated the terms of its accreditation or the provisions of these procedures, he may, after consultation with such testing laboratory, notify that testing laboratory that he proposes to revoke its accreditation.

(b) Upon receipt of a notice from the Secretary of the proposed revocation, which notice shall set forth the reasons for such proposed revocation, the accredited testing laboratory shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed revocation shall become final through the issuance of a written decision to the testing laboratory in the event that such testing laboratory does not appeal the proposed revocation within that thirty (30) day period. In the event, however, that the accredited testing laboratory requests a hearing within that thirty (30) day period, the Secretary's proposed revocation shall be stayed until the hearing held pursuant to 5 U.S.C. 556.

(c) A testing laboratory may at any time terminate its participation and responsibilities under this program or withdraw its application for accreditation by giving written notice to the Secretary. Upon receipt by the Secretary of such notice, he shall terminate further processing of the testing laboratory's application for accreditation. If such testing laboratory has been accredited, the Secretary shall terminate that testing laboratory's accreditation. The Secretary shall notify the testing laboratory that its accreditation has been terminated pursuant to its request.

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated or which has withdrawn its application prior to being accredited may reapply for and be accredited if it meets the applicable general and specific criteria promulgated by the Secretary under § 7.8(c)(1) and agrees also to meet the conditions set out under § 7.7(c) and the provisions of § 7.12.

§ 7.14 Cessation of accreditations.

(a) The Secretary may cease the accreditation of testing laboratories that serve a specific product if he finds that there is no longer a need to accredit such laboratories. An action to cease such accreditations shall commence with the issuance of a preliminary finding which shall be published in the FEDERAL REGISTER. Such notice shall set forth the Secretary's reasons for his preliminary finding and shall, as a minimum, address those relevant items listed in § 7.5 which formed the basis for his original finding of need to accredit testing laboratories serving a specific product.

(b) The notice published under paragraph (a) of this section shall provide at least a sixty (60) day period for the submission of written comments on the Secretary's preliminary finding. In the event that a public hearing or hearings are held on this preliminary finding as authorized under paragraph (c) of this section, the period allowed for the submission of written comments shall be extended to the date on which such hearing or hearings are held.

(c) Interested persons wanting to express their views in an informal hearing shall notify the secretary of that desire within twenty (20) days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings may be held at two locations, one of which shall be east of the Mississippi River and the other west thereof. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentation.

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C., 20230, and will be available for public inspection at that location.

(d) After evaluating the comments received, the Secretary shall publish a notice in the FEDERAL REGISTER making a final finding, or withdrawing his preliminary finding, that there is no longer a need to accredit testing laboratories that serve a specific product. The notice shall state the basis for the Secretary's final finding or for the withdrawal of his preliminary finding. If the notice sets forth the Secretary's final finding that there is no longer a need to accredit testing laboratories that serve a specific product, such notice shall also state the effective date of such final finding which shall not be less than sixty (60) days after the publication of the notice.

(e) If the Secretary ceases the accreditation of testing laboratories that serve a specific product as provided for in this section, he shall withdraw the accreditation previously issued to all those testing laboratories serving the same specific product. Any testing laboratory whose accreditation to serve a specific product has been withdrawn by the Secretary under this subsection may seek to be accredited to serve a different specific product under these procedures, and may be so accredited if it meets the general and specific criteria promulgated by the Secretary under § 7.8(c)(1) that are applicable to that different specific product and if it agrees also to meet the conditions set out under § 7.7(c) and the provisions of § 7.12.

(f) The Secretary may reinstitute the accreditation of testing laboratories that serve a specific product which he previously ceased accrediting under this section. In that event he shall follow the same procedures set out under § 7.4 relative to the finding of need to accredit testing laboratories that serve a specific product.

§ 7.15 Refund of fees and charges.

(a) If a testing laboratory withdraws its application for accreditation after it has submitted the required examination

fees and provides written notice to the Secretary of such withdrawal prior to the issuance of an accreditation of the denial thereof, the testing laboratory will be refunded such fees except for the application fee, if any, and for any other costs that have been incurred relative to its application.

(b) If a testing laboratory terminates its participation and responsibilities under this program at any time after it has been accredited or after it has been notified by the Secretary that it is not being accredited, no part of the fees and charges paid by the testing laboratory will be refunded.

(c) If the accreditation of a testing laboratory is revoked by the Secretary under § 7.13, no part of the fees and charges paid by the testing laboratory will be refunded.

(d) If the Secretary ceases the accreditation of testing laboratories that serve a specific product under § 7.14 and withdraws the accreditation of a testing laboratory to test a specific product under that section, such testing laboratory will be refunded the unexpended part of the examination fees or charges paid by such testing laboratory to maintain its accredited status under this program: *Provided, however,* That no such testing laboratory will be refunded its original application fee, if any, to be accredited to serve a specific product.

§ 7.16 Amendment or revision of criteria.

The Secretary, or a Criteria Committee acting at the request of the Secretary, may undertake the development of amendments or revisions of any applicable general or specific criteria previously promulgated by the Secretary by following the same procedures pertaining to the original development of such criteria.

§ 7.17 User education and reports.

(a) For each specific product for which the Secretary has made a final finding under these procedures that a need exists to accredit testing laboratories that serve such product, he will publish a quarterly report noting all action taken by him regarding such matters as accreditations, revocations, the establishment of fees and charges, the promulgation of general and specific criteria and any amendments or revisions to such criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

(b) The Secretary will also prepare an annual report summarizing all activities carried out under these procedures which shall include a listing of all testing laboratories accredited by the Secretary during the year to which the annual report relates.

(c) As a means of giving prompt notice to the public of accreditation actions taken by the Secretary, he shall, in addition to the reports called for under this section, publish in the FEDERAL REGISTER all actions taken by him during the preceding month which grant, revoke, terminate or result in the withdrawal of the accreditation of a testing laboratory. Such notice shall include the name and address of the testing laboratory concerned, and a brief explanation of the action taken by the Secretary with respect to that laboratory.

§ 7.18 Support function.

The Secretary shall make provisions for administrative and technical support and staff services as may be needed to carry out this program.

[FR Doc.76-5332 Filed 2-24-76;8:45 am]

Title 22—Foreign Relations

CHAPTER VI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PART 601—CONDUCT OF EMPLOYEES

PART 603—STATEMENT OF ORGANIZATION

Redesignation of Parts

On August 28, 1975, there was published in the FEDERAL REGISTER (40 FR 39663) a notice of proposed rulemaking to amend Title 22 of the Code of Federal Regulations by (1) redesignating the present Part 601 entitled Conduct of Employees as Part 606, (2) redesignating the present Part 603 entitled Statement of Organization as Part 601, and (3) adding a new Part 603 entitled Privacy Act.

Although amendments to redesignate these parts are administrative in nature, interested persons were nevertheless invited to submit written comments on this matter. No comments were received on the proposed renumbering. Accordingly, the U.S. Arms Control and Disarmament Agency is adopting the proposed redesignation of parts effective on February 25, 1976. (A new Part 603 entitled Privacy Act Policy and Procedures will be issued in a separate document.)

22 CFR Chapter VI is hereby amended as follows:

1. Part 601 (§§ 601.735–1 through 601.735–76) is redesignated as Part 606 (§§ 606.735–1 through 606.735–76).

2. Part 603 (§§ 603.1 through 603.18) is redesignated as Part 601 (§§ 601.1 through 601.18).

Dated: February 18, 1976.

FRED C. IKLE,
Director.

[FR Doc.76-5314 Filed 2-24-76;8:45 am]

PART 602—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Change of Organizational Title

On January 1, 1976, as part of a general reorganization of the U.S. Arms Control and Disarmament Agency, the Communications and Information Center in the Office of Administration was combined with the General Services Section in that office and renamed the Communications and Services Section. As a consequence, the functions relating to Freedom of Information which were previously performed by the Chief, Communications and Information Center (CIC) are now being performed by the Chief, Communications and Services Section.

The Agency is amending its Freedom of Information regulations to reflect this change in nomenclature. Because this is a matter relating to agency organization, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

22 CFR Part 602 is amended effective January 1, 1976, by revising §§ 602.16, 602.20, and 602.21 as follows:

1. In § 602.16, paragraph (e) is amended by substituting the title "Chief, Communications and Services Section" for the title "Chief, Communications and Information Center (CIC)".

2. In § 602.20, paragraph (b) is amended by substituting the title "Chief, Communications and Services Section" for the title "Chief, Communications and Information Center (CIC)".

3. Section 602.21 is amended by substituting the title "Chief, Communications and Services Section" for the title "Chief, CIC".

Dated: February 18, 1976.

FRED C. IKLE,
Director.

[FR Doc.76-5315 Filed 2-24-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 630—PRECONSTRUCTION PROCEDURES

Federal-Aid Programs Approval and Authorization

● Purpose. The purpose of this document is to revoke two sections of 23 CFR, relating to programs of proposed projects and authorizations to proceed with projects, which will be superseded. ●

In the December 12, 1975, edition of the FEDERAL REGISTER (40 FR 57799), regulations on Federal-aid programs approval and authorizations were published in final. Inadvertently, 23 CFR 1.8, relating to programs of proposed projects, and 1.12, relating to authorizations to proceed with projects, were not revoked as they should have been inasmuch as they are to be superseded by the provisions of 23 CFR Part 630.

Accordingly, 23 CFR 1.8 and 1.12 are hereby revoked effective October 1, 1976, when 23 CFR Part 630, Subpart A is required to be fully implemented.

Issued on: February 19, 1976.

L. P. LAMM,
Executive Director,
Federal Highway Administrator.

[FR Doc.76-5311 Filed 2-24-76;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Certain Employment Rules

This document makes two amendments in the regulations governing employment and compensation of civilian Federal employees in the Canal Zone. The first amendment adds the positions filled by persons who are severely physically handicapped to the categories of positions that are excluded from competitive appointment under the Canal Zone merit system. Such an exclusion is consistent with both the rule prescribed by the Civil Service Commission for the competitive service and the policy of the Congress as set out in the Rehabilitation Act of 1973, Pub. L. 93–112.

The second amendment revokes a provision regarding the selection of certain trainees on the basis of citizenship which is no longer used.

1. Paragraph (c)(13) of § 253.8 is amended to read as follows:

§ 253.8 Exclusions.

* * * * *

(c) * * *

(13) Positions that are filled by mentally retarded or severely physically handicapped persons pursuant to written agreements between the Board and the employing department. Such agreements shall conform, in substance, to those utilized by the Commission to authorize appointment of the aforesaid classes of persons in the United States.

* * * * *

§ 253.40 [Amended]

2. Paragraph (g) of § 253.40 is hereby revoked and the paragraph designation is reserved.

Effective date. These amendments are effective February 1, 1976.

(2 CZC 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: February 9, 1976.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.76-5310 Filed 2-24-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-180]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 101–32.16—Federal Software Exchange Program

Part 101–32 is amended by adding new Subpart 101–32.16 to establish a Federal Software Exchange Program. This program will require the reporting of common-use software to the Federal Software Exchange Center (FSEC). This information will be used to develop a software catalog. The initial reporting to FSEC of abstracts on current agency common-use programs and systems will be limited to software developed during the past 3 years unless an agency elects to include software developed before that time. The initial recording and reporting is to be completed within a 6-month period starting from the effective date of this amendment. The Department of Defense may submit its own software summary catalogs, compiled as the result of DOD "Task Group 3–70," in lieu of the information required by § 101–32.1607 for its initial submission to FSEC.

Part 101–32 is amended by the addition of new Subpart 101–32.16 as follows:

Subpart 101–32.16—Federal Software Exchange Program

Sec.

101–32.1600 Scope of subpart.
101–32.1601 Applicability.
101–32.1602 Definitions.
101–32.1603 Common-use software.
101–32.1604 Program operation and policy guidance.
101–32.1605 Program objectives.
101–32.1606 Services performed by the Federal Software Exchange Center (FSEC).
101–32.1607 Agency actions.
101–32.1608 Arrangements and guidelines for use of the Software Exchange Program.
101–32.1609 Effect on software procurement process.
101–32.1610 Form availability.
101–32.1611 Federal Software Exchange Catalog availability.
101–32.1612 Software Exchange Program review.
101–32.1613 Assistance by GSA.

Subpart 101–32.17—101–32.46 [Reserved]

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

Subpart 101–32.16—Federal Software Exchange Program

§ 101–32.1600 Scope of subpart.

This subpart provides policy and procedures describing the Federal Software Exchange Program, the reporting of common-use ADP software to the Federal Software Exchange Center (FSEC), and subsequent use of this information for Government-wide sharing. The Software Exchange Program will gather only computer programs and logically related sets of computer programs. No data files or data bases will be included. No private or personal data will constitute any portion of the computer programs to be reported and exchanged by FSEC. This program, administered by the General Services Administration (GSA), is established to promote the sharing of computer programs and/or other related documentation. While the resources and aid of FSEC/GSA will be extended to users in obtaining information concerning technical problems with software released through FSEC, the ultimate responsibility for successful implementation of all programs rests with the user.

§ 101–32.1601 Applicability.

The provisions of this subpart are applicable to all Federal agencies (as defined in § 101–32.201(a)) having ADP facilities, resources, or requirements. This subpart is applicable to common-use software developed or revised by either Government or contractor personnel. This subpart is not applicable to software that is classified, proprietary, or developed with revolving funds where reimbursement of all costs is required, such as the ADP Fund. Nor is it applicable to software to which the Government does not possess the full rights of ownership.

§ 101–32.1602 Definitions.

Terms used in this subpart are defined as follows:

(a) "Software" means all programs and routines used to extend the capabilities of computers, as distinct from "hardware" and "firmware." Software includes independent subroutines, related groups of routines, single programs, and sets or systems of programs.

(b) "Common-use software" means that portion of software which deals with problems common to many agencies, that would be useful to other agencies, and is written in such a way that minor variations in requirements can be accommodated without significant programming effort. Examples of such software are: management business applications, computer systems support and utility programs, simulators, scientific or engineering applications, programming aids which are application-independent, and bibliographic or textual programs.

(c) "Computer program" means an identifiable series of instructions or statements, in a form acceptable to a computer, prepared to achieve a certain result.

(d) "Automated data system" means a set of logically related computer programs designed to accomplish specific objectives or functions.

(e) "Software summary" means a condensed description or abstract of a computer program or automated data system.

(f) "Federal Software Exchange Center (FSEC)" means an organization established pursuant to the authority of the Administrator of General Services for the collection, announcement, bibliographic control, and dissemination of common-use software among Federal agencies.

(g) "Federal Software Exchange Catalog" means a reference publication, maintained by FSEC, which summarizes information about Government-owned common-use software produced by and for Federal agencies.

§ 101–32.1603 Common-use software.

For the purpose of this subpart, common-use software is that which:

(a) Satisfies the definition of § 101–32.1602(b).

(b) Has been tested and proven operational for at least 90 days and is maintained by or for a Federal agency.

(c) Is composed of stand-alone subroutines, programs, or subsystems; i.e., not dependent on special or unique hardware options or software features unless such options or features can be readily translated or simulated for hardware other than the original and can be similarly useful on different hardware.

(d) Was developed by Government personnel or through contract or grant with Government funding. (If it was developed under contract or grant, all rights of ownership to the software must be vested in the Government.)

§ 101–32.1604 Program operation and policy guidance.

The Federal Software Exchange Program is operated by GSA or its authorized representative pursuant to the overall policy guidance and direction of GSA. The regional Agency Services Coordination Divisions of ADTS will handle direct operational contact with agencies as outlined in § 101–32.1609.

§ 101–32.1605 Program objectives.

The objectives of the Software Exchange Program are to provide for the:

(a) Collection of common-use software information.

(b) Development and maintenance of a listing of common-use software to minimize the redevelopment of programs already tested and in use elsewhere.

(c) Publication and distribution of a software exchange catalog containing abstracts of common-use software.

(d) Dissemination of common-use software and/or documentation; and

(e) Reduction of overall costs, time, and use of personnel resources for software acquisition and/or development.

§ 101–32.1606 Services performed by the Federal Software Exchange Center (FSEC).

The functions of FSEC include:

(a) Maintaining a central library of summary descriptions of common-use programs and systems, including a complete index of this inventory and master copies of requested programs, systems, and documentation.

(b) Editing, screening, and compiling agency abstracts of common-use programs or systems submitted for exchange by Federal agencies.

(c) Functioning as a central point of contact with agencies for information and dissemination of available software.

(d) Publishing and distributing the basic Federal Software Exchange Catalog with periodic updates.

(e) Assisting Federal agencies in identifying currently available software to satisfy their requirements.

(f) Assisting agencies in obtaining information concerning technical problems with software released through FSEC.

(g) Notifying agencies of changes to software obtained through FSEC.

§ 101–32.1607 Agency actions.

Federal agencies are required to:

(a) Continually review software within the agency to identify programs or systems which would be of use to other agencies meeting the criteria set forth in § 101–32.1603.

(b) Submit abstracts of programs meeting the criteria in § 101–32.1603 to FSEC, National Technical Information Service, Springfield, VA 22151, on Standard Form (SF) 185, Federal Information Processing Standard Software Summary. Common-use programs and systems meeting the specified criteria will be described and reported to FSEC on a continuing basis. In addition to the instructions on SF 185, the GSA publication, ADP Management Information Systems, ADP MIS Reporting Procedures, Appendices A, D, and E, shall be used for information concerning organization codes, computer manufacturers, and models.

(c) Notify FSEC, using SF 185, of changes to software previously reported. Such changes should have been adequately tested to ensure the effective performance of the software.

(d) Notify FSEC, using SF 185, of previously reported programs that the agency no longer maintains. (Reports shall be made within 30 days after terminating maintenance.).

(e) Make a one-time submission, within 15 days of receipt of the FSEC request, of an actual program and/or its documentation. System program documentation shall be provided to the extent that it can be implemented by other users and should contain as a minimum the following:

(1) A narrative;

(2) User instructions which should include program interface requirements, system resource requirements, identity of the computer on which the software is operational, program language, the name, number and release of the system under which the software is operating, applicable data communications interface requirements and applicable error message descriptions, with recommended corrective actions;

(3) A broad logic flowchart to indicate the ease of removal or addition of program modules;

(4) Sample inputs and outputs; and

(5) Program listing of the source and object coding as well as available cross-reference listings generated by the applicable assembler or compiler.

(f) Notify FSEC of technical problems with software submitted to or obtained from FSEC within 15 days of detection of the problem.

NOTE: The submitting agency will not be responsible to another agency for the maintenance of software submitted to FSEC that has been implemented in another agency. The reports required by this FPMR have been cleared in accordance with FPMR 101–11.11 and are exempt from reports control.

§ 101–32.1608 Arrangements and guidelines for use of the Software Exchange Program.

(a) Agencies having requirements for software that they plan to acquire from commercial sources shall screen existing Federal ADP software resources by reviewing the Federal Software Exchange Catalog or by obtaining assistance from FSEC to meet its software requirements.

(b) Programs or systems listed in the Federal Software Exchange Catalog are available through FSEC which will contact the contributing agency for the requested documentation and/or programs. The contributing agency shall send the documentation and a copy of the program on either tape or cards to FSEC only once per program.

(c) FSEC will make a copy of both the documentation and the program to be kept on file for future requests. FSEC will provide the software package to the requesting agency at the published price.

§ 101–32.1609 Effect on the software procurement process.

(a) When an agency is unsuccessful in obtaining the required software from those available through FSEC, the usual procedures for the procurement of software; i.e., submitting GSA Form 2068, Request for ADP Services, or submitting an Agency Procurement Request (APR), will be followed. In these instances, the provisions of § 101–32.203–2 apply to the development of custom software services, and the provisions of § 101–32.404 apply to proprietary software packages.

(b) The agency shall include a certification statement on GSA Form 2068 or on the APR that FSEC was screened unsuccessfully on a specified date. A delegation of procurement authority will not be granted if such certification is not provided.

§ 101–32.1610 Form availability.

Supplies of Standard Form 185 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101–32.1611 Federal Software Exchange Catalog availability.

The Federal Software Exchange Catalog of common-use programs and systems may be obtained from the National Technical Information Service, Springfield, VA 22151. Revisions to the catalog will be published quarterly.

§ 101–32.1612 Software Exchange Program review.

GSA will review FSEC after it has been operational for a period of 6 months, and at least annually thereafter, to determine the efficiency of operations, effectiveness of mission, and significance of software cost avoidance realized.

§ 101–32.1613 Assistance by GSA.

Assistance in any phase of the Software Exchange Program covered by this subpart may be obtained by contacting the General Services Administration (CPS), Washington, DC 20405, or the appropriate regional Agency Services Coordination Division.

Subparts 101–32.17—101–32.46 [Reserved]

Effective date. This regulation is effective on February 25, 1976.

Dated: February 12, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–5302 Filed 2–24–76;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY

PART 50—U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT

On November 10, 1975, the Department issued a notice of proposed rule making (40 FR 52407) to revise its regulation pertaining to the Exchange Visitor Waiver Review Board. Interested persons were given 45 days to comment on the proposed revision. No comments were received.

The revised regulation changes the composition of the Exchange Visitor Waiver Review Board; clarifies the definitions of the criteria which the Board applies; describes the types of information which applicant institutions should provide; and includes provision for waiver requests to apply to members of the exchange visitor's family.

The revision is adopted without change, as set forth below.

Effective date. These regulations shall be effective on February 25, 1976.

Dated: February 18, 1976.

DAVID MATHEWS,
Secretary.

45 CFR Part 50, is revised as follows:

Sec.
50.1 Authority.
50.2 Exchange Visitor Waiver Review Board.
50.3 Policy.
50.4 Procedure.
50.5 Personal Hardship, Persecution and Visa Consideration.
50.6 Release from Foreign Government.

AUTHORITY: 75 Stat. 527, 22 U.S.C. 2451 et seq.; 84 Stat. 116, 8 U.S.C. 1182(e).

CROSS REFERENCE: Department of State Regulations governing the Exchange-Visitor Program are published at 22 CFR Part 63.

§ 50.1 Authority.

Under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Immigration and Nationality Act as amended (84 Stat. 116), the Department of Health, Education, and Welfare is an "interested United States Government agency" with the authority to submit requests through the Department of State to the Attorney General for the waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program.

§ 50.2 Exchange Visitor Waiver Review Board.

(a) *Establishment.* The Exchange Visitor Waiver Review Board is established for the purpose of carrying out the Department's responsibilities under the Exchange Visitor Program.

(b) *Functions.* The Exchange Visitor Waiver Review Board is responsible for making thorough and equitable evaluations of applications for waiver submitted to the Department and for rendering recommendations to the Department of State on such applications on behalf of the Secretary.

(c) *Membership.* The Exchange Visitor Waiver Review Board consists of not less than five members, of whom no less than three shall consider any particular application. The Special Assistant to the Secretary for International Affairs is an ex officio member of the Board and serves as Chairman of the Board. He may designate a staff member of the Office of the Secretary to serve as member and Chairman in his absence. Two regularly assigned members are appointed by the Assistant Secretary for Health to consider applications concerning health and related fields and two regularly assigned members are appointed by the Assistant Secretary for Education to consider applications concerning education or training and related fields. The Board may be expanded to include members from other appropriate operating components of the Department when necessary in order to consider an application in other fields of interest to the Department (e.g. welfare, social security or rehabilitation). When, in the Board's judgment, it is required, the Board may obtain expert advisory opinion from other sources.

§ 50.3 Policy.

(a) *Criteria and information pertaining to waivers.* The Department of Health, Education, and Welfare has a stringent and restrictive policy with respect to requesting waivers for foreign visitors under the exchange visitor program. Each case is evaluated individually on the basis of the facts available. The general criteria which are applied are:

(1) The program or activity of the applicant institution or organization in which the exchange visitor is employed must be of high priority and significance in an area of interest to the Department. The Waiver Review Board will not request a waiver when the documentation clearly demonstrates that the problem is primarily one of recruitment in order to overcome a local community or institutional manpower shortage, however serious.

(2) The exchange visitor must be needed as an integral part of the program or activity, or of an essential component thereof. The Board will not request a waiver when the principal problem appears to be one of administrative or program inconvenience to the institution or other employer.

(3) The exchange visitor must possess outstanding qualifications, training, and experience. The Board will not request a waiver simply because an individual has specialized training or experience or is occupying a senior staff position in a university, hospital, or other institution.

(b) *Waivers for members of exchange visitor's family.* (1) Where a decision is made to request a waiver for an exchange visitor, a waiver will also be requested for the spouse and children, if any, if they are also subject to the foreign residence requirement.,

(2) In cases of married couples where one spouse is an exchange visitor, the subject of a waiver application, and the other is a citizen of the United States or resident alien, a waiver will be requested for the exchange visitor if either spouse is found to meet the strict criteria given above.

§ 50.4 Procedure for submission of application to DHEW.

(a) The applicant institution (educational institution, hospital, laboratory, corporation, etc.) should send a completed application (HEW Form 426) to the Executive Secretary, Exchange Visitor Waiver Review Board, Department of Health, Education, and Welfare, Washington, D.C. 20201. Application forms and information may be obtained from the Executive Secretary. The application must be signed by an authorized official of the applicant institution. The information should describe in detail the circumstances of the case involved. This should include but not be limited to:

(1) A complete description of the program or activity in which the exchange visitor is engaged; including factual evidence of the way in which the program or activity serves the national or international public interest.

(2) His or her relationship to the program, particular contribution, and other responsibilities, if any.

(3) The probable future of the program if the waiver is not granted; including specific evidence showing how the loss of the exchange visitor's services would seriously restrain the initiation, continuation, completion, or success of the program or activity, or a major part thereof.

(4) The applicant institution's long-range plans for the exchange visitor, and ways in which the visitor will contribute in the future to the activities in which he or she is employed.

(5) Specific evidence of a demonstrated unique capability of the exchange visitor to make essential contributions to the program or activity over a long period of time.

(6) The exchange visitor's curriculum vitae, bibliography, data and place of birth, present citizenship, date and port of entry and current address.

(7) Any other facts considered germane.

(b) Since the formal filing of an application for waiver with the Immigration and Naturalization Service automatically terminates the applicant's exchange visitor status, it is permissible to obtain the decision of the Exchange Visitor Waiver Review Board before filing with the Immigration and Naturalization Service.

§ 50.5 Personal hardship, persecution and visa extension considerations.

(a) The Department is not responsible for considering applications for waivers based on:

(1) Exceptional hardship to the exchange visitor's American or legally resident alien spouse or child; or

(2) The alien's unwillingness to return to the country of his/her nationality or last residence on the grounds that he/she or family members would be subject to persecution on account of race, religion or political opinion.

(b) Likewise, this Department is not responsible for considering requests for extension of visa.

(c) Inquiries concerning the above should be directed to the District Office of the Immigration and Naturalization Service which has jurisdiction over the exchange visitor's place of residence in the U.S.

§ 50.6 Release from foreign government.

The Department of State has the responsibility to consider applications for waivers which are based on a notification from the exchange visitor's country that it has no objection to a waiver (22 CFR 63.31).

[FR Doc.76-5337 Filed 2-24-76;8:45 am]

CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 660—PROJECT NOTIFICATION AND REVIEW SYSTEM; NOTIFICATION TO STATES OF AWARD INFORMATION

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552, and to requirements of the Office of Management and Budget and the Department of the Treasury, there are hereby published the interim regulations and proposed final regulations of the National Science Foundation to implement the following Federal directives:

a. OMB Circular A-95 (Revised January 13, 1976), Federal Domestic Community Programs;

b. Department of the Treasury Circular 1082 (Revised January 14, 1976), Notification to States of Grant-in-Aid Information.

With respect to OMB Circular A-95 (Revised), NSF has no responsibility for direct Federal development within the meaning of Part II, administers no programs requiring a State plan as a condition of assistance (Part III), and administers no programs requiring areawide planning within the meaning of Part IV. Therefore, these interim and proposed regulations apply only to Part I. The only NSF program currently covered by Part I is the Intergovernmental Science Program, Catalog of Federal Domestic Assistance number 47.036.

With respect to Treasury Circular 1082, NSF administers no programs of grants-in-aid as defined in Section 106 of the Intergovernmental Cooperation Act of 1968 and in subparagraph 4 D of the Circular. Therefore, these interim and proposed regulations apply only to the supplemental reporting required by subparagraph 6 B, and commit NSF to continue its quarterly Statewide Award Reports on all project awards.

Since the interim and proposed final regulations affect very few NSF proposals, NSF does not plan to maintain stocks of Standard Form 424 for external distribution. That form, appearing at 40 FR 54373 and at 41 FR 2062 may be locally reproduced, or supplies may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the appropriate General Services Administration Regional Office citing National Stock Number 7540-01-008-8162.

In accordance with the provisions of OMB A-85 (Revised) these interim and proposed regulations have been made available to the Advisory Commission on Intergovernmental Relations (ACIR) for coordination with State and local government associations. Since most NSF awards are for research projects performed at universities, these interim and proposed regulations also have been made available to the Commmittee on Governmental Relations of the National Association of College and University Business Officers (NACUBO).

These interim regulations are effective on February 25, 1976. They form the basis of the proposed final regulations, which will become effective on April 29, 1976.

Interested persons may submit written comments, suggestions, or objections concerning the proposed regulations to the Assistant Director for Administration, National Science Foundation, Washington, D.C. 20550 on or before April 15, 1976. Written comments received from the public through that date will be considered by NSF in formulating its final regulations. The comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays) until June 1, 1976.

Sec.

660.1 Purpose.
660.2 Application of part.
660.3 Definitions.
660.4 Notification of intent and consultation and review procedures.
660.5 State requirements.
660.6 Submission of SF 424 with proposals under covered programs.
660.7 NSF consideration of Clearinghouse comments.
660.8 Notification to Clearinghouses of action taken—SF 424.
660.9 Supplemental reporting of award information.

AUTHORITY: Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577); OMB Circular A-95 (Revised) appearing at 41 FR 2052; Treasury Circular 1082 (Revised) appearing at 40 FR 54378, with additional subsections appearing at 41 FR 2652; National Science Foundation Act of 1950, as amended, (Pub. L. 81-507) Sec. 11(a).

§ 660.1 Purpose.

As required by paragraph 7 of OMB Circular A-95 (Revised) (hereinafter referred to as "A-95") this part prescribes the regulations of the National Science Foundation (hereinafter referred to as "NSF") to implement the project notification and review system prescribed by Part I of A-95, including the use of Standard Form 424, Federal Assistance Preapplication, Application, Notification of Intent or Report of Federal Action (hereinafter referred to as "SF 424") in connection with proposals to NSF Programs subject to Part I requirements and for notification of action thereon. This part also describes NSF implementation of the supplemental reporting requirements of Treasury Circular 1082 (Revised) (hereinafter referred to as "TC 1082").

§ 660.2 Application of part.

This part applies to (a) any agency of State or local government, any academic institution, or any other organization or individual, undertaking to submit a proposal to NSF for support of a project or major substantive modification thereto under a Federal program covered by Part I of A-95, and (b) NSF employees involved in the receipt, evaluation, or action taken on such proposals. Unless otherwise indicated, references to "A-95" used hereinafter mean Part I of that Circular as revised.

§ 660.3 Definitions.

Terms used in this Part will have the meanings indicated below. Where the primary source of a term is Title I of Pub. L. 90-577, Part V of A-95, or Paragraph 4 of TC 1082, that fact is indicated parenthetically.

(a) *State.* Any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. (Pub. L. 90-577, sec. 102)

(b) *Local Government.* A local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law. (Pub. L. 90-577, sec. 103)

(c) *Unit of general local government.* Any city, county, town, parish, village, or other general purpose political subdivision of a State. (Pub. L. 90-577, Sec. 104)

(d) *Special-purpose unit of local government.* Any special district, public purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district. (Pub. L. 90-577, Sec. 105)

(e) *Grant-in-Aid.* Money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization:

(1) To a State; or

(2) To a political subdivision of a State; or

(3) To a beneficiary under a plan or program, administered by a State or a political subdivision of a State, which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private (Pub. L. 90-577, Sec. 106).

(f) *Federal assistance.* Programs that provide assistance through grant or con-

tractual agreements. (Pub. L. 90–577, Sec. 107)

(g) *Clearinghouse.* Includes:

(1) *State Clearinghouse.* An agency of the State Government designated by the Governor or by State law to carry out the requirements of Part I of A–95.

(2) *Areawide Clearinghouse.* (i) In nonmetropolitan areas, a comprehensive planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out requirements of A–95; or

(ii) In metropolitan areas, an areawide agency that has been recognized by the Office of Management and Budget as an appropriate agency to perform review functions under A–95. (A–95, V. 10)

(h) *State central information reception agency (SCIRA).* The State agency which has been designated by the Governor, in consultation with the legislature, to serve as the central reception point for Federal grant-in-aid information furnished under section 201 of the Intergovernmental Cooperation Act of 1968. (TC 1082, 4 F)

(i) *Covered Program.* Any NSF Program listed in Attachment D to A–95 or in Appendix I to the Catalog of Federal Assistance, whichever is later.

(j) *Project.* A definitely formulated research activity or other planned scientific undertaking. Excludes international travel grant activities.

(k) *Exempt Project.* (1) A project proposed for support under an NSF program not covered by A–95 (see also § 660.5); or (2) A proposed project, for support under a covered program, which is national in scope and would not impact on the development of the particular State, area, or locality in which it is being conducted. (See § 660.4).

(l) *Major substantive modification.* (1) Any change in the nature or scope of the project which might result in a funding change, considered to be a "revision" for the purposes of SF 424; or (2) Any proposal for renewed support of a project beyond the period contemplated in the original proposal, considered to be a "renewal" for the purposes of SF 424.

(m) *Proposal.* An application for NSF support of a project.

§ 660.4 Notification of intent (NOI) and consultation and review procedures.

(a) Any individual, organization, or association planning to submit a proposal for NSF support of a project, or major substantive modification thereto, which is not exempt from the provisions of this part, must notify the State clearinghouse of its intent. In the event a national organization or association intends to submit a proposal which it believes to be exempt under § 660.3 (k) (2), the prospective applicant should consult with the appropriate NSF Program Officer prior to concluding that a notification of intent (NOI) is not required.

(b) Unless requested to do so by the clearinghouse in accordance with subparagraph 4g of A–95, NSF grantees or contractors need not send an NOI to the clearinghouse prior to submitting a proposal either for supplemental support of a project during the currently approved period of support, considered to be an "augmentation" for the purposes of SF 424, or for continued support of a project beyond the current period of support if the project was proposed and has been approved for such longer period of support and no major substantive modification is contemplated, considered to be a "continuation" for the purposes of SF 424.

(c) If the project has specific applicability to or would affect local or areawide planning or programs, the governmental unit(s) where such impact would occur shall be identified and the notification also shall be sent to the areawide clearinghouse(s) having jurisdiction.

(d) Unless an applicable clearinghouse has prescribed some other form, SF 424 (Attachment E to A–95) may be used as the NOI required by subparagraph 2a of that Circular, by completion of Section I, Applicant/Recipient Data, as prescribed in "Applicant Procedures for Section I."

(e) The NOI should be sent at the earliest feasible time, to permit the clearinghouse(s) to perform the functions prescribed in paragraph 3 of A–95. As indicated in subparagraph 4a of A–95, clearinghouses normally have 30 days to coordinate the NOI with appropriate State, multi-State, local, or regional governments or agencies, and to furnish comments to the applicant. If the review is not completed during this period, subparagraph 4b of A–95 provides for a clearinghouse to assist the applicant, during the proposed preparation phase, in the resolution of any problems raised by the NOI. Subparagraph 4c of A–95 limits the time for coordination and clearance to a maximum of 60 days.

(f) A clearinghouse may request information beyond that contained in the NOI. If the requested information is required by NSF in its proposal submission guidelines, it or the proposal itself, should be furnished to the clearinghouse. If the requested information is not so required, the applicant is encouraged to supply it to the clearinghouse if it is readily at hand and will not entail any extra expenditures of time or resources. In either event, the proposing institution or organization may omit confidential information of the types described in subparagraph 4e of A–95.

§ 660.5 State requirements.

Subparagraph 8g of A–95 recognizes that some States may have laws, executive orders, or administrative regulations which require review of applications for Federal assistance under various programs not covered by A–95. Proposing institutions or organizations are encouraged to ascertain the existence of such State requirements and to acquaint themselves with applicable State procedures. However, implementation of any such requirements is enforced through State laws and regulations. Nothing in this regulation shall be construed as an NSF requirement to extend the provisions of A–95 to any proposal for support of a project not covered thereby nor to enforce the rules and regulations of any of the several States concerning review of applications for Federal assistance.

§ 660.6 Submission of SF 424 with proposals under covered programs.

(a) In accordance with subparagraph 4f of A–95, applicants for support under covered programs must submit to NSF, with the completed proposal, evidence that the consultation and review procedures have been followed, and, where comments or recommendations have been made by or through clearinghouses, to furnish them to NSF.

(b) SF 424 provides a standardized means of evidencing compliance with the consultation and review procedures and is the required face sheet for proposals to covered programs. Proposing institutions or organizations are encouraged to begin using that form as soon as feasible, but shall do so in connection with any proposals submitted to covered programs on and after April 29, 1976. If the State clearinghouse has returned the SF 424 used as the NOI, the same form (or reproduced copies thereof) may be used by the proposing institution or organization to satisfy this requirement by (1) checking "application" in Section I, (2) completing Sections I and II in accordance with the applicant procedures prescribed on the form, as amplified in paragraph (c) of this section, and (3) attaching to the signed original any written comments received by or through clearinghouse(s). If more than 30 days (plus around trip mail time) have elapsed since the NOI was submitted with no comments from the clearinghouse(s), the proposing institution or organization may prepare a new SF 424, certifying that there has been no response. However, the State Application Identifier (SAI) must be shown. In either event, the completed SF 424 should be reproduced in sufficient copies to be used in lieu of the proposal cover page traditionally required by NSF.

(c) The applicant procedures for Sections I and II of SF 424 are amplified as follows for proposals for NSF support of projects under covered programs:

(1) *Item 4, Legal applicant/recipient—(i) Applicant name.* List the commonly used name of the institution or organization which will provide the facilities and logistic support for the proposed project. (Normally, this is the employer of the principal investigator or project director.) In the event the grant or contract should be awarded to a different organization, check item 21, and, in Section IV add: "4 i, Grantee" (or contractor, if appropriate), and list the commonly used name of the organization to which the grant (or contract) should be awarded, if the project is approved for NSF support, and the address if different from that shown in paragraphs (c) (1) (iii) through (vii) of this section.

(ii) *Organization unit.* For any proposal, list the agency, department, or school, to which the principal investigator or project director is assigned; if the

proposal is from a branch or campus of a statewide institution of higher education, list such branch or campus.

(iii)–(vii) *Address.* List the mailing address of the organizational unit in paragraph (c)(1)(ii) of this section.

(viii) *Contact Person.* List the name, title, and telephone number of the prospective principal investigator or project director, whose signature must be added to the original of the SF 424 used as the face sheet for the original proposal. Such signature signifies the agreement of the signor to assume responsibility for the scientific or technical direction of the project if NSF agrees to support it and for the preparation of required technical reports.

(2) *Item 6,* Program. If the proposal is in response to a Proposal Solicitation or Request for Proposals, check item 21, and in Section IV add: "6 c., Program Solicitation" (or Request for Proposals) and indicate the number and date of the NSF document which solicited or requested the proposal.

(3) *Item 7, Title and description of applicant's project.* This project description is not a substitute for the scientific abstract required in NSF proposals. It should be worded so as to assist the clearinghouse(s) in determining which State or local governmental agency might be interested in the project, and to assist such agencies in determining whether or not the project might have a direct impact on their capacity building or other planning activities. It should indicate the basic project nature (e.g., basic or applied research, interchange of scientific information, etc.) and its objectives.

(4) *Item 11, Estimated number of persons benefitting.* Unless the project is jurisdiction specific, and its expected results are anticipated to directly affect persons within that jurisdiction, indicate "N.A." (not applicable).

(5) *Item 13, Proposed funding.* In most science projects supported by NSF, the only cost-sharing requirement is that the grantee must share in the costs of a project, not solicited by NSF, in more than a token amount, as defined in the NSF Grant Administration Manual. Therefore, unless there are specific plans for significant funding commitments from the types of agencies or organizations listed in b. through e., those entries should be marked "N.A." (not applicable).

(6) *Item 22 a, Applicant certification.* In lieu of the assurances contained in Part V of Exhibit M–3 to FMC 74–7, the "attached assurances" for NSF purposes are:

> On behalf of the applicant agency, institution, or organization I certify that the project described above is consistent with its policies and goals and that submission of this proposal is in accordance with its procedures and pursuant to appropriate authority. On behalf of the organization designated as the intended recipient of the requested Federal funding, I certify that it has legal authority to accept grants or contracts and the requisite policies, procedures, and personnel to ensure stewardship of federal funds as outlined in the NSF Grant Administration Manual.
>
> In the event that NSF agrees to provide financial support of the project substantially as requested in the attached proposed budget or such modifications thereof as may be mutually agreed, I affirm that the applicant agency, institution, or organization will:
>
> 1. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the attached proposal or such modifications thereof as may be mutually agreed;
>
> 2. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with the terms and conditions of the NSF grant or contract; and
>
> 3. Comply with applicable laws and regulations.
>
> In submitting this proposal, I further affirm that the 'Assurance of Compliance with National Science Foundation Regulations under Title VI of the Civil Rights Act of 1964,' previously executed, is fully applicable to the project.

(d) In accordance with subparagraph 6 (b) of A–95, any formal proposal for support of a project under a covered program, not accompanied by evidence of compliance with the consultation and review procedures and an SAI number, will be returned to the proposing institution or organization for compliance with such procedures.

§ 660.7 NSF consideration of clearinghouse comments.

(a) The NSF Program Officer who makes the staff evaluation of the proposal will consider any comments submitted by or through clearinghouses. However, since the subject matter of clearinghouse comments and recommendations, prescribed by paragraph 5 of OMB Circular A–95, does not involve the NSF criteria for the selection of research projects (appearing at 39 FR 42954), copies of such clearinghouse comments normally will not be made available to outside reviewers.

(b) In some cases, a clearinghouse may recommend that a proposal be disapproved or that it be approved only with specific and major substantive changes. In the event that the Program Officer of a covered program recommends approval of the project substantially as proposed, or with changes which differ from those recommended by the clearinghouse, a brief explanation for the clearinghouse will be prepared as required by subparagraph 6 d of A–95, for attachment to the SF 424.

(c) In some cases, a clearinghouse may recommend against approval of a project because it appears to conflict with or duplicate another Federal or federally assisted project. In that event, the Program Officer will consult with the agency assisting the referenced project, as required by subparagraph 6 e of A–95, prior to recommending an award. If the Program is covered by A–95, such consultation will be indicated in Section IV of SF 424.

(d) In some cases, clearinghouse comments may indicate that a unit of general local government, having jurisdiction over the area in which a project is to be performed by a special purpose unit of local government, has submitted or plans to submit a proposal for the same or a similar type of project. Although NSF administers no programs of grants-in-aid which are subject to the provisions of Section 402 of the Intergovernmental Cooperation Act of 1968 or of subparagraph 6f of A–95 (favoring units of general local government) the Program Officer shall consider the merits of each of the two proposals prior to recommending final action on that from the special purpose unit of local government.

(e) When action is recommended on a proposal, the Program Office in a covered Program will complete those portions of Section III of SF 424, submitted with the proposal, which identify the Program, and indicate whether or not remarks have been added. Other Program Offices may file the externally-initiated SF 424 or comparable State form in the proposal jacket without further action. (During the transition period between the effective date of this part and the time at which proposals accompanied by externally-initiated SF 424 reach the action stage, the Program Officer will initiate the SF 424, completing sufficient portions of Section I to provide the types of identifying information formerly furnished in Standard Form 240, plus programmatic portions of Section III.)

§ 660.8 Notification to Clearinghouses of action taken—SF 424.

In accordance with subparagraph 6c of A–95 the following notification actions will be taken:

(a) If a proposal for support under a covered program is withdrawn or declined, the Program Officer shall complete additional appropriate entries in Section III and mail the completed form(s) to the clearinghouse(s) listed in Section II within seven working days after receipt of the withdrawal request or simultaneously with dispatch of the declination letter, as appropriate.

(b) If the Program Officer recommends that an award be made, the SF 424 and related documents shall be sent to the Division of Grants and Contracts as part of the recommended award package, for completion and dispatch. However, since the amounts of funding, if any, to be contributed by the proposing institution or organization, the State or local government, or other source are not required in proposals to most NSF programs and would not normally be known to NSF except through the proposed funding entries in Section I, the funding contributions by other than the Federal government will not be shown in Section III. Following signature of the grant or contract, the action data will be stamped on the form at the same time that the award is dated and copies will be dispatched to each of the clearinghouses listed in Section II.

§ 660.9 Supplemental reporting of award information.

(a) In furtherance of the TC 1082 supplemental reporting requirement, NSF will continue to provide to each SCIRA a Statewide Award Report which provides aggregated information on each project award made by NSF during the previous

quarter to any agency of State or local government, any academic institution, or any other now profit organization or commercial firm within the State. The report includes information on all such awards, including those separately reported to clearinghouses in accordance with A-95 requirements.

(b) It contains most of the essential data elements contained in SF 424. However, since the SAI number is not a standard NSF data element, it is contained only in the SF 424 furnished to clearinghouses in accordance with § 660.8 above.

ELDON D. TAYLOR,
Assistant Director
for Administration.

FEBRUARY 20, 1976.

[FR Doc.76-5309 Filed 2-24-76;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 76-6]

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Commercial Zones

● **Purpose. The purpose of this amendment is to update the commercial zone references in the Federal Motor Carrier Safety Regulations and to inform all interested persons that any future actions by the Interstate Commerce Commission to increase the size of commercial zones will have no effect on the definition of commercial zones as they relate to the applicability of the Federal Motor Carrier Safety Regulations.** ●

A technical, non-substantive amendment is being made to the Federal Motor Carrier Safety Regulations (FMCSR) to specify the particular CFR reference defining commercial zones as defined by the Interstate Commerce Commission (ICC).

On January 15, 1976, the ICC proposed to expand commercial zones as prescribed in Part 1048 of Title 49 CFR. The commercial zone areas would be expanded up to 20 miles from the corporate limits of the base municipality using a population-mileage formula.

The proposed expansion of the commercial zones was initiated by the ICC to reexamine the exemptions from Federal "economic regulations" contained in sections 203(b)(8) and 202(c) of the Interstate Commerce Act. Safety of operations within commercial zones was not a matter considered by the ICC in this determination. In their interim report served on January 12, 1976, in Ex Parte No. MC-37 (Sub-No. 26), the ICC stated "Many regulated carriers assert that expansion of terminal areas will increase the number of unsafe vehicles and unfit drivers in urban areas. While recognizing that this is a serious concern, it is rather a matter more properly considered by DOT's Federal Highway Administration * * *."

In the absence of any formal proceeding by the Federal Highway Administration to determine what effect such an expansion of the commercial zones may have on the safety of operation within those zones, the commercial zones as referenced in §§ 390.16 and 390.33 of the FMCSR's relating to exempt intracity operations will, for the present, be those set forth in the October 1, 1975, issue of CFR 49 Part 1048. The agency is examining alternatives to the established arithmetic formula and prescribed bounds presently included in Part 1048 of 49 CFR.

The present commercial zones are based on a population-mileage formula in light of contemporary demographic and industrial location patterns. Safety of operation is not a matter now being considered by the Commission in individual requests to extend the limits of a particular zone. Since the promulgation of the population-mileage formula, petitions have been filed with the Commission to determine specifically 43 commercial zones.

Consideration is therefore being given by this agency to the issuance of a notice of proposed rulemaking in the very near future to establish exempt intracity areas as they relate to the safe operation of vehicles in interstate commerce within those areas. There is considerable concern that many commercial zone areas, as they exist today, have been expanded beyond the limits originally intended when the commercial zone exemption was established. In addition, many of the present defined commercial zones are complex and confusing in trying to determine exact zone limits.

In consideration of the foregoing, the FMCSR's (Subchapter B of Chapter III in Title 49 CFR) are amended as follows:

1. Section 390.16 is amended to read as follows:

§ 390.16 Exempt intracity operations.

The term "exempt intracity operation" means a vehicle or driver used wholly within a municipality, or the commercial zone thereof, as defined by the Intrastate Commerce Commission in Part 1048 of 49 CFR Parts 1000 to 1199, revised as of October 1, 1975, and transporting—

* * * * *

2. Section 390.33 is amended to read as follows:

§ 390.33 Applicability of regulations.

(a) * * *

	Applicable parts of the regulations						
	391	392	393	394	395	396	397
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Interstate Commerce Commission (pt. 1048, 49 CFR pts. 1000 to 1199 revised as of Oct. 1, 1975).							
* * * * * * *							
B. Vehicles and drivers used beyond a municipality or the commercial zone thereof as defined by the Interstate Commerce Commission (pt. 1048, 49 CFR pts. 1000 to 1199 revised as of Oct. 1, 1975).							
* * * * * * *							

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegations of authority at 49 CFR 1.48 and 389.4 respectively)

Effective date. Since these amendments are non-substantive in character and do not impose an additional burden on any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

Issued on February 17, 1976.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76-5312 Filed 2-24-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1230]

PART 1033—CAR SERVICE

Illinois Central Gulf Railroad Co. Authorized to Operate Over Tracks of Waterloo Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of February 1976.

It appearing, that the Waterloo Railroad Company (Waterloo) is unable to operate over its line between Gilbertville, Iowa, and Shaver, Iowa, because of track conditions; that numerous shippers served by the Waterloo between Shaver and Cedar Rapids are thereby deprived of railroad service; that the Illinois Central Gulf Railroad Company (ICG) has consented to operate over tracks of the Waterloo between Cedar Rapids and Shaver in order to provide continued service to the aforementioned shippers; that the Waterloo has consented to such use of its tracks by the ICG; that operation by the ICG over the aforementioned tracks of the Waterloo are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1230 Service Order No. 1230.

(a) *The Illinois Central Gulf Railroad Company authorized to operate over tracks of the Waterloo Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) be, and it is hereby, authorized to operate over tracks of the Waterloo Railroad Company (Waterloo) between Cedar Rapids, Iowa, and Shaver, Iowa, a distance of approximately 0.91

miles, together with various auxiliary tracks located at the stations.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the ICG over tracks of the Waterloo is deemed to be due to carrier's disability, the rates applicable to traffic moved by the ICG over these tracks of the Waterloo shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *It is further ordered,* That on or before the expiration date of this order the Waterloo shall effect repairs sufficient to restore its line to operating condition unless authorized to forego such repairs by order of the Commission.

(e) Nothing in this order shall be deemed to relieve the Waterloo of its obligations to operate as a common carrier over its entire line between Waterloo and Cedar Rapids to the extent required to provide rail transportation to shippers dependent on the Waterloo for railroad service.

(f) *Effective date.* This order shall become effective at 12:01 a.m., February 1976.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5380 Filed 2-24-76;8:45 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32155 (Sub-No. 4)]

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Revision

FEBRUARY 10, 1976.

Upon investigation and consideration of views, arguments and representations of interested parties, certain revised accounting and reporting regulations concerning certain costs, governing Class I and Class II Common and Contract Motor Carriers of Property, are adopted to be effective January 1, 1976.

Harry C. Ames, Jr. and Marshall Kragen for National Tank Truck Carriers, Inc.

REPORT OF THE COMMISSION

By notice of proposed rulemaking dated July 15, 1975, served August 4, 1975, and published in the FEDERAL REGISTER on August 7, 1975 (40 FR 33244), the Commission announced that it had under consideration certain revisions to the Uniform System of Accounts and Reports of Class I and Class II Common and Contract Motor Carriers of Property.

All interested parties were given the opportunity to submit their views and comments in writing by September 8, 1975.

BACKGROUND

On July 5, 1974, Chemical Leaham Tank Lines, Inc. (CLTL), filed a statement in response to the Order of April 19, 1974, requesting the segregation and identification of certain costs in the Uniform System of Accounts for Instruction 28(A) Common and Contract Motor Carriers of Property. A similar statement was filed by National Tank Truck Carriers, Inc. (NTTC), on July 8, 1974. Manufacturing Chemists Association (MCA) replied to the CLTL petition on September 24, 1974.

The respondents argued that billing and collecting and cleaning and waste removal costs should, to the greatest extent possible, be segregated, identified and attributed to the proper activity. The methodology for implementing these changes differed among the respondents.

Upon review and consideration of the aforementioned petitions, we proposed to segregate the Billing and Collecting Activity from the Platform and Terminal Activities. Based upon the respondent initial statements, we could not justify a revision to the uniform system of accounts for cleaning and disposal costs; therefore, we recommended that tank truck carriers establish subaccounts to provide for tank cleaning and disposal costs.

REPRESENTATIONS

The public notification of the proposed rulemaking in the Federal Register provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views or arguments. National Tank Truck Carrier, Inc. (NTTC) in its initial response submitted a petition for reconsideration requesting that cleaning and disposal costs be reported by natural account classification under the Terminal Activity. NTTC reemphasized the significance of these costs to tank truck carriers and provided statistical revenue and expense comparisons in support. They contended such costs are significant to both tank truck carriers and the public. They stated the proposal in the Notice was contradictory, inappropriate and offered no guidance or direction in accounting for cleaning and disposal costs. Subsequently, on November 17, 1975, NTTC filed a petition in which it recommended that cleaning and waste removal costs be recorded in Activity 4, Platform, rather than Activity 5, Terminal.

DISCUSSION AND CONCLUSIONS

The objective of this proceeding was to determine if billing and collecting and cleaning and disposal costs of Instruction 28(A) carriers warranted revisions to the uniform system of accounts.

We concurred with the respondent's arguments regarding the expansion of the Billing and Collecting Activity. These costs have reached a level of significance and should be segregated and identified. We have amended the regulations to segregate the Billing and Collecting Activity in order to provide proper identification of costs and the accumulation of relevant financial data.

We recognized the increasing significance of cleaning and disposal costs to tank truck carriers; however, we did not believe the respondents provided sufficient evidence to warrant a revision to the uniform system of accounts for these costs. Extensive cleaning and disposal costs are unique costs of tank truck carriers. All Instruction 28(A) motor carrier of property incur some cleaning cost prior to reusage of vehicles. Generally, this cost is insignificant except in the case of tank truck carriers. NTTC presented statistical data comparing Class I and II tank truck carrier operating revenues to total Instruction 28(A) and Instruction 27 operating revenues. The percentage relationship of tank cleaning and disposal costs to total tank truck carrier operating revenues was significant. After considering the additional evidence we believe the uniform system of accounts should be revised to segregate tank cleaning and disposal costs.

NTTC initially proposed to account for cleaning and disposal costs by natural account classification under the Terminal Activity, and later recommended the Platform Activity.

We contend both alternatives are inappropriate. Tank truck cleaning and disposal costs are transportation costs directly related to the transportation of freight. As defined in the Uniform System of Accounts for Class I and Class II Common and Contract Motor Carriers of Property, costs incurred in the operation of revenue vehicles should be classed in the Line-haul Activity. Only costs of operating terminal facilities are classified as terminal expenses. Likewise, costs of operating platform facilities are classified in the Platform Activity. The nature of tank cleaning and disposal costs prohibits these costs from being classified as either terminal or platform expenses.

We believe the uniform system of accounts should be revised to provide a separate activity to account for cleaning and disposal costs. Presently, Instruction 28(A) carriers are required to combine Activities 1 and 2, Line-haul and Pick-up and Delivery, respectively, under the Line-haul Activity for accounting and reporting purposes. As revised, the uniform system of accounts will require tank truck carriers to account for clean-

ing and disposal costs by appropriate natural account classification under the Pick-up and Delivery Activity. These carriers will be designated as Instruction 28(C) carriers in the instructions and definitions. This revision will provide proper segregation and identification of cleaning and disposal costs for both Commission and internal management information purposes.

GUIDANCE IN ACCOUNTING

NTTC stated the Commission and the uniform system of accounts offered no direction or guidance in accounting for tank cleaning and disposal costs. We believe there is no basis for this contention. The uniform system of accounts provides appropriate definitions and instructions to aid in selecting the proper activity and natural account classification for all carrier costs. We also interpret the prescribed accounting and reporting regulations upon request. We believe adequate guidance and instructions exist and the rules adopted in this proceeding will provide identification of tank cleaning and disposal costs.

FINDINGS

We find that Part 1207 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of part II of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the National Transportation Policy of 1969.

An appropriate order will be entered.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of February 1976.

Consideration having been given to the matters involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Part 1207 of Title 49 of the Code of Federal Regulations be, and they are hereby revised to read as shown below to the above mentioned report.

It is further ordered, That the prescribed amendment shall be effective for the year beginning January 1, 1976.

And it is further ordered, That, service of this order be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 12, 20)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Amend Part 1207—Class I and Class II Common and Contract Motor Carriers.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

The text of Instruction 28, Section A, Carriers other than household goods carriers, paragraph (a), is revised by separating the Billing and Collecting Activity from Activity (5) and designating Billing and Collecting as Activity (3). (Carriers of liquid petroleum products in tank trucks, see Section C below.) As revised the text reads:

28 [Amended]

SECTION A. *Carriers other than household goods carriers and liquid petroleum products in tank trucks.* (a) All instruction 28 carriers, other than carriers of household goods and liquid petroleum products in tank trucks, shall distribute expenses to the following activities:

* * * * *

(3) Billing and Collecting
(5) Platform and Terminal

* * * * *

The text of Instruction 28 is further amended by adding Section C. As amended the text reads:

SECTION C. *Carriers of liquid petroleum products in tank trucks.* All tank truck carriers of petroleum products and derivatives, chemicals and other products detailed in § 1040.2(d) of this chapter shall follow the instructions and distribute expenses in accordance with Section A except for tank cleaning and disposal costs. These expenses shall be accounted for and reported separately in Activity 2, Pick-up and Delivery, by natural account classification.

[FR Doc.76-5381 Filed 2-24-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on February 25, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Sport fishing extends from January 1 through December 31, 1976, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

NED. I. PEABODY,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

FEBRUARY 18, 1976.

[FR Doc.76-5307 Filed 2-24-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-887]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be on or before March 26, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish

that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin on or before March 26, 1976, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin on or before March 26, 1976, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Arkansas	Columbia	Magnolia, city of	H 050041A 01 through H 050041A 03	Director, Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Commissioner, Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Magnolia, Ark. 71753.	Oct. 26, 1973. Feb. 6, 1976.
Do	Lawrence	Ravenden, town of.	H 050470 01 through H 050470 02	do	Mayor, Town Hall, Ravenden, Ark.	Apr. 2, 1976.
California	Sonoma	Cloverdale, city of.	H 060376A 01 through H 060376A 02	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 1470 Market St., San Francisco, Calif. 94103, and 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, 124 North Cloverdale Blvd., Cloverdale, Calif. 95425.	Feb. 22, 1974. Feb. 6, 1976.
Do	Tulare	Dinuba, city of	H 060403A 01	do	Mayor, City Hall, 420 East Tulare St., Dinuba, Calif. 93618.	June 28, 1974. Feb. 6, 1976.
Do	Siskiyou	Etna, city of	H 060364A 01	do	Mayor, City Hall, Etna, Calif.	Feb. 22, 1974. Feb. 6, 1976.
Do	San Mateo	Hillsborough, town of.	H 060320 01 through H 060320 04	do	Assistant City Engineer, Town Hall, 1600 Floribunda Ave., Hillsborough, Calif. 94010.	Apr. 2, 1976.
Do	Marian	Ross, town of	H 050179A 01 through H 060179A 02	do	Mayor, Town Hall, Ross, Calif. 94957.	Mar. 29, 1974. Feb. 6, 1976.
Colorado	Chaffee	Buena Vista, town of.	H 080030A 01 through H 080030A 02	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town Hall, Buena Vista, Colo.	May 3, 1974. Feb. 6, 1976.
Do	Elbert	Elizabeth, town of.	H 080056A 01	do	Mayor, P.O. Box 147, Town Hall, Elizabeth, Colo. 80107.	Sept. 6, 1974. Feb. 6, 1976.
Do	Clear Creek	Idaho Springs, city of.	H 080036A 01	do	Mayor, City Hall, 1350 Miner St., Box 907, Idaho Springs, Colo. 80452.	June 14, 1974. Feb. 6, 1976
Florida	Duval	Baldwin, town of	H 120076A 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, P.O. Box 54, Baldwin, Fla. 32234.	June 28, 1974. Feb. 6, 1976.
Do	Flagler	Flagler Beach, city of.	H 120087A 01 through H 120087A 03	do	Mayor, P.O. Box 758, Flagler Beach, Fla. 32036.	Feb. 1, 1974. Feb. 6, 1976.
Do	Duval	Jacksonville, city of.	H 120078A 01 through H 120078A 04	do	City Manager, City Hall, Jacksonville Beach, Fla. 32250.	June 7, 1974. Feb. 6, 1976.
Do	Pinellas	Kenneth City, town of.	H 120245A 01	do	Mayor, 4600 58th St. North, Kenneth City, Fla. 33709.	June 28, 1974.
Do	Polk	Mulberry, city of	H 120268A 01	do	Mayor, P.O. Box 707, Mulberry, Fla. 33860.	Jan. 9, 1974. Feb. 6, 1976.
Georgia	Camden	Unincorporated areas.	H 130262 01 through H 130262 50	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Chairman of the Board of County Commissioners, P.O. Box 99, Woodbine, Ga.	Apr. 2, 1976.
Do	Houston	Centerville, city of.	H 130255A 01 through H 130255A 02	do	Mayor, 500 Houston Lake Blvd., Centerville, Ga. 31008.	June 14, 1974. Feb. 6, 1976.
Do	Habersham	Clarksville, city of.	H 130103A 01	do	Mayor, P.O. Box 21, Clarksville, Ga. 30523.	June 21, 1974. Feb. 6, 1976.
Do	Thomas	Coolidge, city of	H 130169 01	do	Mayor, P.O. Box 296, Coolidge, Ga. 31738.	Apr. 2, 1976.
Do	Richmond	Hephzibah, city of.	H 130442A 01 through H 130442A 02	do	Mayor, P.O. Box 85, Hephzibah, Ga. 30815.	Apr. 12, 1974.
Do	Troup	La Grange, city of	H 130177 01 through H 130177 06	do	Mayor, P.O. Box 430, La Grange, Ga. 30240.	Apr. 2, 1976.
Do	Gwinnett	Lilburn, city of	H 130100A 01 through H 130100A 04	do	Mayor, P.O. Box 268, Lilburn, Ga. 30247.	June 7, 1974. Feb. 6, 1976.
Do	Telfair	Lumber City, city of.	H 130167A 01	do	Mayor, P.O. Box 488, Lumber City, Ga. 31549.	June 28, 1974. Feb. 6, 1976.
Do	Lumpkin	Unincorporated areas.	H 130354 01 through H 130354 23	do	County Commissioner, P.O. Box 507, Dahlonega, Ga. 30533.	Apr. 2, 1976.
Do	Jenkins	Millen, city of	H 130119A 01 through H 130119A 04	do	Mayor, P.O. Box 128, Millen, Ga. 30257.	Apr. 12, 1974. Feb. 6, 1976.
Do	Macon	Montezuma, city of.	H 130132A 01 through H 130132A 05	do	Mayor, City Hall, Montezuma, Ga. 31063.	Aug. 16, 1974. Feb. 6, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Walton	Monroe, city of	H 130227A 01 through H 130227A 06	do	Mayor, P.O. Box 725, Monroe, Ga. 30655.	June 28, 1974. Feb. 6, 1976.
Do	Montgomery	Mount Vernon, city of.	H 130140A 01 through H 130140A 02	do	Mayor, P.O. Box 237, Mount Vernon, Ga. 30445.	May 31, 1974. Feb. 6, 1976.
Do	Clayton	Mountain View, city of.	H 130046A 01	do	Mayor, P.O. Box 5, Mountain View, Ga. 30070.	May 10, 1974.
Do	Coweta	Newnan, city of	H 130062A 01 through H 130062A 05	do	Mayor, P.O. Box 1193, Newnan, Ga. 30263.	May 31, 1974.
Do	Baker	Newton, city of	H 130004A 01 through H 130004A 02	do	Mayor, P.O. Box 238, Newton, Ga. 31770.	Apr. 12, 1974.
Do	Macon	Oglethorpe, city of.	H 130133A 01	do	Mayor, P.O. Box 121, Oglethorpe, Ga. 31068.	June 28, 1974. Feb. 6, 1976.
Do	Newton	Porterdale, town of.	H 130145A 01	do	Mayor, P.O. Box 657, Porterdale, Ga. 30270.	Apr. 12, 1974.
Do	Worth	Poulan, city of	H 130197A 01	do	Mayor, Hunton St., Poulan, Ga. 31981.	May 17, 1974. Feb. 6, 1976.
Do	Fulton	Roswell, city of	H 130088A 01	do	Mayor, 816 Lanta St., Roswell, Ga. 30075.	June 7, 1974. Feb. 6, 1976.
Illinois	Du Page	Addison, village of.	H 170198A 01 through H 170198A 04	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Board of Trustees, 130 Army Trail Rd., Addison, Ill. 60101.	Oct. 26, 1973. Feb. 6, 1976.
Do	Cook	Bridgeview, village of.	H 170065A 01 through H 170065A 02	do	Village President, 7401 West 75th St., Bridgeview, Ill. 60455.	Mar. 22, 1974. Feb. 6, 1976.
Do	Schuyler	Browning, village of.	H 170606A 01	do	Village President, Village Hall, Browning, Ill. 62624.	Aug. 23, 1974.
Do	Cook	Countryside, city of.	H 170079A 01	do	Mayor, 5550 East Ave., Countryside, Ill. 60525.	Apr. 5, 1974.
Do	Iroquois	Danforth, village of.	H 170292A 01	do	Village President, Village Hall, Danforth, Ill. 60930.	Sept. 13, 1974. Feb. 6, 1976.
Do	St. Clair	Fairview Heights, village of.	H 170895 01 through H 170895 04	do	Director of Public Works, 10218 Lincoln Trail, Suite A, Fairview Heights, Ill. 62208.	Apr. 2, 1976.
Do	McHenry	Fox River Valley Gardens, village of.	H 170478A 01	do	Village President, 128 Eastwood Ave., Fox River Valley Gardens, Ill. 60010.	Apr. 5, 1974. Feb. 6, 1976.
Do	Jersey	Grafton, city of	H 170314A 01 through H 170314A 02	do	Mayor, Box 283, Grafton, Ill. 62037	Mar. 22, 1974. Feb. 6, 1976.
Do	McHenry	Huntley, village of.	H 170480A 01	do	Village President, 58 Coral, Huntley, Ill. 60142.	Mar. 29, 1974. Feb. 6, 1976.
Do	Lake	Lake Bluff, village of.	H 170373A 01	do	Village President, 40 East Center Ave., Lake Bluff, Ill. 60044.	Feb. 1, 1974. Feb. 6, 1976.
Do	Monroe	Maeystown, village of.	H 170765 01	do	Village President, Maeystown, Ill. 62256.	Apr. 2, 1976.
Do	Stark	Unincorporated areas.	H 170613 01 through H 170613 29	do	Chairman, County Board, Wyoming, Ill. 61491.	Do.
Indiana	Dubois	Huntingburg, city of.	H 180362A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 511 4th St., Huntingsburg, Ind. 47542.	Mar. 28, 1975. Feb. 6, 1976.
Do	Elkhart	Nappanee, city of	H 180059 01 through H 180059 03	do	Mayor, Municipal Center, Nappanee, Ind. 46550.	Apr. 2, 1976.
Iowa	Crawford	Denison, city of	H 190096A 01 through H 190096A 03	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Denison, Iowa 51442.	May 10, 1974. Feb. 6, 1976.
Do	Black Hawk	Gilbertville, city of.	H 190021A 01	do	Mayor, City Hall, Gilbertville, Iowa 50634.	Mar. 22, 1974. Feb. 6, 1976.
Do	Webster	Gowrie, city of	H 190279A 01 through H 190279A 02	do	Mayor, City Hall, Gowrie, Iowa 50543.	June 28, 1974. Feb. 6, 1976.
Do	Clayton	Littleport, city o.	H 190078A 01	do	Mayor, City Hall, Littleport, Iowa 52055.	Aug. 23, 1974. Feb. 6, 1976.
Do	Johnson	Oxford, city of	H 190172A 01	do	Mayor, City Hall, Oxford, Iowa 52322.	May 10, 1974. Feb. 6, 1976.
Do	Chickasaw	New Hampton, city of.	H 190069A 01 through H 190069A 02	do	Mayor, City Hall, New Hampton, Iowa 50659.	June 28, 1974. Feb. 6, 1976.
Do	Woodbury	Sloan, city of	H 190299A 01	do	Mayor, City Hall, Sloan, Iowa 51055	May 24, 1974. Feb. 6, 1976.
Kansas	McPherson	Moundridge, city of.	H 200218A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 216 South Christian St., Moundridge, Kans. 67107.	Mar. 8, 1974. Feb. 6, 1976.
Do	Crawford	Pittsburg, city of	H 200072A 01 through H 200072A 04	do	Mayor, P.O. Box 688, City Hall, Pittsburg, Kans. 66762.	Feb. 15, 1974. Feb. 6, 1976.
Kentucky	Hopkins	Madisonville, city of.	H 210115A 01 through H 210115A 08	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City Hall, Madisonville, Ky. 42431.	May 17, 1974. Feb. 6, 1976.
Do	Rowan	Morehead, city of	H 210204A 01 through H 210204A 04	do	Mayor, City Hall, Morehead, Ky. 40351.	May 24, 1974. Feb. 6, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Louisiana	Winn Parish	Winnfield, city of	H 220247A 01 through H 220247A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Winnfield, La. 71483.	Nov. 16, 1973. Feb. 6, 1976.
Maryland	Garrett	Loch Lynn Heights, town of.	H 240037A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, 505 Shenandoah Ave., Mountain Lake, Park, Md.	June 28, 1974.
Michigan	Kent	Ada, township of	H 260248A 01 through H 260248A 11	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Supervisor, 555 Ada Dr., Ada, Mich. 49301.	Nov. 22, 1974. Feb. 6, 1976.
Do	Osceola	Evart, city of	H 260327A 01 through H 260327A 02	do	Mayor, 101 North Main St., Evart, Mich. 49631.	Apr. 25, 1975. Feb. 6, 1976.
Do	Ingham	Lansing, city of	H 260090A 01 through H 260090A 10	do	Mayor, 124 West Michigan Ave., Lansing, Mich. 48933.	June 7, 1974. Feb. 6, 1976.
Minnesota	Anoka	Blaine, city of	H 270007A 01 through H 270007A 12	Division of Waters, Soil, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Mayor's Office, 9150 Central Ave. NE., Minneapolis, Minn. 55434.	June 28, 1974. Feb. 6, 1976.
Do	Waseca	Janesville, city of	H 270496A 01	do	Mayor, Village Hall, Janesville, Minn. 56048.	May 3, 1974. Feb. 6, 1976.
Do	Rice	Northfield, city of	H 270406A 01 through H 270406A 03	do	Mayor, City Hall, Northfield, Minn. 55057.	Mar. 29, 1974. Feb. 6, 1976.
Mississippi	Holmes	Durant, city of	H 280074A 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, P.O. Box 272, Durant, Miss. 39063.	Feb. 8, 1974.
Do	Tate	Senatobia, city of	H 280171A 01	do	Mayor, 135 North Front St., Senatobia, Miss. 38668.	Feb. 1, 1974. Feb. 6, 1976.
Missouri	Andrew	Amazonia, city of	H 290005A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Amazonia, Mo. 64421.	Aug. 16, 1974. Feb. 6, 1976.
Do	Jasper	Carterville, city of.	H 290180A 01 through H 290289A 02	do	Mayor, 100 East Main, City Hall, Carterville, Mo. 64835.	Dec. 28, 1973. Feb. 6, 1976.
Do	Pike	Clarksville, city of.	H 290289A 01	do	Mayor, City Hall, Clarksville, Mo. 63336.	May 24, 1974. Feb. 6, 1976.
Do	Miller	Eldon, city of	H 290227A 01	do	Mayor, City Hall, Eldon, Mo. 65026	Mar. 29, 1974. Feb. 6, 1976.
Do	Saline	Miami, city of	H 290401A 01	do	Mayor, City Hall, Maimi, Mo. 65344	Oct. 18, 1974. Feb. 6, 1976.
Do	St. Clair	Osceola, city of	H 290672 01 through H 290672 02	do	Mayor, P.O. Box T, Osceola, Mo. 64776.	Apr. 2, 1976.
Do	St. Francois	Rivermines, village of.	H 290544 01	do	Chairman, 409 Front St., Rivermines, Mo. 63601.	Do.
Do	Christian	Sparta, city of	H 290529 01	do	Mayor, Sparta, Mo. 65753	Do.
Do	Clark	Wayland, city of	H 290084A 01	do	Mayor, City Hall, P.O. Box 313, Wayland, Mo. 63472.	Oct. 18, 1974.
Do	Henry	Windsor, city of	H 290156A 01 through H 290156A 03	do	Mayor, 110 West Benton St., Windsor, Mo. 65360.	Apr. 5, 1974. Feb. 6, 1976.
Montana	Stillwater	Columbus, town of.	H 300109 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Columbus, Mont. 59019	Apr. 2, 1976.
Do	Big Horn	Hardin, city of	H 300115 01	do	Mayor, City Hall, Hardin, Mont. 59034.	Do.
Do	Toole	Shelby, city of	H 300125 01	do	Mayor, City Hall, Shelby, Mont. 59474.	Do.
Nebraska	Antelope	Brunswick, village of.	H 310254 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.		
Do	Saunders	Cedar Bluffs, village of.	H 310336 01	do	Mayor, Village Hall, Cedar Bluffs, Nebr. 78015.	Do.
Do	Antelope	Clearwater, village of.	H 310262 01	do	Mayor, Village Hall, Clearwater, Nebr. 78726.	Do.
Do	Frontier	Curtis, city of	H 310086 01	do	Mayor, 306 Center St., Curtis, Nebr. 69025.	Do.
Do	Otoe	Syracuse, city of	H 310166A 01	do	Mayor, City Hall, Syracuse, Nebr. 68446.	Dec. 7, 1973. Feb. 6, 1976.
New Hampshire	Sullivan	Sunapee, town of	H 330164A 01	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Board of Selectmen, Town of Sunapee, Office of Selectmen, Sunapee, N.H. 03782.	June 28, 1974. Feb. 6, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Monmouth	Allentown, borough of.	H 340284A 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 8 North Main, P.O. Box 489, Allentown, N.J. 08501.	Dec. 28, 1973.
Do	Camden	Audubon, borough of.	H 340121A 01	do	Mayor, Oak St., West Atlantic Ave., Audubon, N.J. 08106.	Mar. 29, 1974. Feb. 6, 1976.
Do	do	Berlin, borough of.	H 340125A 01 through H 340125A 02	do	Mayor, 59 South White Horse Pike, Berlin, N.J. 08009.	June 14, 1974. Feb. 6, 1976.
Do	Monmouth	Bradley Beach, borough of.	H 340289A 01	do	Mayor, 701 Main St., Bradley Beach, N.J. 07720.	Dec. 28, 1973. Feb. 6, 1976
Do	Camden	Clementon, borough of.	H 340130A 01	do	Mayor, White Horse Ave., Clementon, N.J. 08201.	June 28, 1974. Feb. 6, 1976.
Do	Monmouth	Eatontown, borough of.	H 340293A 01 through H 340293A 02	do	Mayor, 47 Broad St., Eatontown, N.J. 07724.	June 21, 1974. Feb. 6, 1976.
Do	Bergen	Fair Lawn, borough of.	H 340033A 01 through H 340033A 03	do	Mayor, 8-01 Fair Lawn Ave., Fair Lawn, N.J. 07410.	Dec. 28, 1973. Feb. 6, 1976.
Do	do	Fort Lee, borough of.	H 340035A 01	do	Mayor, 309 Main St., Fort Lee, N.J. 07024.	June 28, 1974. Feb. 6, 1976.
Do	Hunterdon	Glen Gardner, borough of.	H 340235A 01	do	Mayor, P.O. Box 307, Glen Gardner, N.J. 08826.	June 28, 1974. Feb. 6, 1976.
Do	Hudson	Guttenberg, town of.	H 340220A 01	do	Mayor, 6808 Park Ave., Guttenberg, N.J. 07093.	June 28, 1974.
Do	Camden	Haddon Heights, borough of.	H 340136A 01 through H 340136A 03	do	Mayor, 625 Station Ave., Haddon Heights, N.J. 08035.	May 10, 1974. Feb. 6, 1976.
Do	do	Haddonfield, borough of.	H 340501A 01 through H 340501A 02	do	Mayor, 242 Kings Highway, East Haddonfield, N.J.	Nov. 30, 1973. Feb. 6, 1976.
Do	Passaic	Haledon, borough of.	H 340399A 01	do	Mayor, 407 Belmont, Haledon, N.J. 07508.	May 10, 1974. Feb. 6, 1976.
Do	Sussex	Hamburg, borough of.	H 340450A 01	do	Mayor, Wallkill Ave., Hamburg, N.J. 07419.	June 14, 1974. Feb. 6, 1976.
Do	Middlesex	Jamesburg, borough of.	H 340264A 01	do	Mayor, 31 East Railroad Ave., Jamesburg, N.J. 08831.	June 28, 1974. Feb. 6, 1976.
Do	Monmouth	Keyport, borough of.	H 340304A 01 through H 340304A 02	do	Mayor, 18-20 Main St., Keyport, N.J. 07735.	Jan. 23, 1974. Feb. 6, 1976.
Do	Ocean	Lakehurst, borough of.	H 340377A 01	do	Mayor, P.O. Box 54, Lakehurst, N.J. 08733.	June 28, 1974. Feb. 6, 1976.
New Mexico	Lea	Hobbs, city of	H 350029 01 through H 350029 05	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, City Hall, Hobbs, N. Mex.	Apr. 2, 1976.
New York	Nassau	Cedarhurst, village of.	H 360460 01 through H 360460 02	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, Village of Cedarhurst, 200 Cedarhurst Ave., Cedarhurst, N.Y. 11516.	Do.
Do	Essex	Crown Point, town of.	H 361148A 01 through H 361148A 22	do	Town Supervisor, Town Hall, Crown Point, N.Y. 12928.	Nov. 8, 1974. Feb. 6, 1976.
Do	St. Lawrence	Edwards, town of.	H 361176A 01 through H 361176A 04	do	Town Supervisor, Main St., Edwards, N.Y. 13635.	Jan. 24, 1975. Feb. 6, 1976.
Do	do	Edwards, village of.	H 361463A 01	do	Village Mayor, Main St., Edwards, N.Y. 13635.	Nov. 15, 1974. Feb. 6, 1976.
Do	Jefferson	Ellisburg, town of.	H 360334A 01 through H 360334A 11	do	Mayor, Town Hall, Ellisburg, N.Y. 13636.	Apr. 5, 1974. Feb. 6, 1976.
Do	Putnam	Philipstown, town of.	H 361026A 01 through H 361026A 07	do	Town Supervisor, Town Hall, 238 Main St., Cold Springs, N.Y. 10516.	May 3, 1974. Feb. 6, 1976.
Do	Yates and Ontario.	Rushville, village of.	H 360964A 01	do	Mayor, Village Hall, Rushville, N.Y. 14544.	June 28, 1974.
North Carolina	Buncombe	Asheville, city of	H 370032 01 through H 370032 11	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Planning Director, P.O. Box 7148, Asheville, N.C. 28807.	Apr. 2, 1976.
North Dakota	Traill	Buxton, city of	H 380161 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Auditor, City Hall, Buxton, N. Dak. 58218.	Do.
Do	Walsh	Lankin, city of	H 380183 01	do	Clerk, City Hall, Lankin, N. Dak. 58520.	Do.
Do	Mercer	Stanton, city of	H 380250 01	do	Mayor, P.O. Box 56, Stanton, N. Dak. 58571.	Do.
Ohio	Licking	Utica, village of	H 390338 01	Director, Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director, Insurance Department of Ohio, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Utica, Ohio 43080	Do.

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Oklahoma	Bryan	Achille, town of	H 400255 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	President of Council, Achille, Okla. Okla. 74720.	Do.
Do	Mayes	Adair, town of	H 400256 01	do	Mayor, Adair, Okla. 74330	Do.
Do	Jackson	Altus, city of	H 400072A 01 through H 400072A 02	do	Mayor, Altus, Okla. 73521	June 28, 1974. Feb. 6, 1976.
Do	Beckham	Carter, town of	H 400276 01	do	Mayor, Carter, Okla. 73627	Apr. 2, 1976.
Do	Pittsburg	Crowder, town of	H 400283 01	do	Mayor, Crowder, Okla. 74430	Do.
Do	Caddo	Cyril, town of	H 400364 01	do	Mayor, Cyril, Okla. 73029	Do.
Do	Texas	Goodwell, town of.	H 400382 01	do	Mayor,	
Do	Alfalfa	Helena, town of	H 400388 01	do	Mayor, City Hall, Helena, Okla. 73741	Do.
Do	Pittsburg	Indianola, town of	H 400288 01	do	Mayor, P.O. Box 125, Indianola, Okla. 74442.	Do.
Do	Marshall	Kingston, town of	H 400394 01	do	Mayor, Town Hall, Kingston, Okla. 73439.	Do.
Do	Kiowa	Lone Wolf, town of.	H 400085A 01	do	President, Board of Trustees, City Hall, Lone Wolf, Okla. 73655.	Do.
Do	Seminole and Pottawatomie.	Maud, city of	H 400401 01	do	Mayor, P.O. Box 217, 100 Main St., Maud, Okla. 74854.	Do.
Do	Grant	Medford, city of	H 400403 01	do	Clerk, 123 South Main St., Medford, Okla. 73759.	Do.
Do	Wagoner	Okay, town of	H 400217A 01	do	Chairman, Town Hall, P.O. Box 51, Okay, Okla. 74446.	Aug. 16, 1974. Feb. 6, 1976.
Do	Murray	Sulphur, city of	H 400119A 01 through H 400119A 02	do	Mayor, City Hall, Sulphur, Okla. 73086.	Nov. 28, 1973. Feb. 6, 1976.
Oregon	Douglas	Canyonville, city of.	H 410060A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Canyonville, Oreg. 97417.	June 7, 1974. Feb. 6, 1976.
Do	Lane	Cottage Grove, city of.	H 410120A 01 through H 410120A 02	do	Mayor, City Hall, Cottage Grove, Oreg. 97424.	Feb. 22, 1974. Feb. 6, 1976.
Do	Crook	Prineville, city of	H 410051A 01 through H 410051A 03	do	Mayor, City Hall, Prineville, Oreg. 97754.	Nov. 30, 1973. Feb. 6, 1976.
Pennsylvania	Southampton	Branchville, town of.	H 510206A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Municipal Bldg., Branchville, Pa. 23828.	Nov. 15, 1974. Feb. 6, 1976.
Do	Centre	Patton, township of.	H 420266A 01 through H 420266A 04	do	Chairman, Board of Supervisors, 2555 North Atherton St., State College, Pa. 16801.	Aug. 2, 1974. Feb. 6, 1976.
South Dakota	Davison	Mitchell, city of	H 460021A 01 through H 460021A 05	State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Mayor, City Hall, Mitchell, S. Dak. 57301.	Mar. 22, 1974. Feb. 6, 1976.
Tennessee	Robertson	Springfield, city of.	H 470168A 01 through H 470163A 10	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, City Hall, Springfield, Tenn. 37172.	June 14, 1974. Feb. 6, 1976.
Texas	Panola	Carthage, city of	H 480519A 01 through H 480519A 05	Texas Water Development Board, Capitol Station, P.O. Box 13087, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Carthage, Tex. 75633.	June 14, 1974. Feb. 6, 1976.
Do	Frio	Dilley, city of	H 480237A 01	do	Mayor, 4th St., P.O. Box 230, Dilley, Tex. 78017.	May 10, 1974.
Do	Somervell	Glen Rose, city of	H 480574A 01	do	Mayor, City Hall, Glen Rose, Tex. 76043.	Aug. 23, 1974. Feb. 6, 1976.
Do	Walker	Huntsville, city of	H 480638A 01 through H 480638A 05	do	Mayor, City Hall, Huntsville, Tex. 77340.	May 24, 1974. Feb. 6, 1976.
Do	Jack	Jacksboro, city of	H 480378A 01 through H 480378A 02	do	Mayor, City Hall, Jacksboro, Tex. 76056.	June 7, 1974. Feb. 6, 1976.
Do	Midland	Midland, city of	H 480477A 01 through H 480477A 15	do	Mayor, City Hall, 300 North Loranine, P.O. Box 1152, Midland, Tex. 79701.	June 7, 1974. Feb. 6, 1976.
Do	Leon	Oakwood, town of.	H 480437A 01	do	Mayor, Town Hall, P.O. Box 96, Oakwood, Tex. 75855.	May 24, 1974. Feb. 6, 1976.
Do	San Patricio	Odem, city of	H 480558A 01	do	City Attorney, P.O. Box 760, Sinton, Tex. 78387.	Mar. 29, 1974. Feb. 6, 1976.
Do	Jim Wells	Orange Grove, city of.	H 480395A 01	do	Mayor, City Hall, P.O. Drawer 350, Orange Grove, Tex. 78372.	May 3, 1974. Feb. 6, 1976.
Do	Ward	Pyote, city of	H 480645A 01	do	Mayor, City Hall, Pyote, Tex. 79777	Aug. 16, 1974.
Do	Tarrant	River Oaks, city of.	H 480609A 01 through H 480609A 02	do	Mayor, City Hall, 4900 River Oaks Blvd., River Oaks, Tex. 76114.	Dec. 28, 1973. Feb. 6, 1976.
Do	Freestone	Teague, city of	H 480236A 01 through H 480236A 02	do	Mayor, City Hall, 521 Main St., Teague, Tex. 75860.	Jan. 9, 1974. Feb. 6, 1976.
Do	Hidalgo	Weslaco, city of	H 480349A 01 through H 480349A 04	do	Mayor, City Hall, Weslaco, Tex. 78596.	Mar. 29, 1974. Feb. 6, 1976.

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Utah	Utah	American Fork, city of.	H 490152A 01 through H 490152A 02	Division of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, American Fork, Utah 84003.	Dec. 28, 1973. Feb. 6, 1976.
Do	Garfield	Antimony, town of.	H 490066 01 through H 490066 04	do	Mayor, P.O. Box 13, Antimony, Utah 84712.	Apr. 2, 1976.
Do	Cache	Cornish, town of.	H 490015 01 through H 490015 02	do	Mayor, Town Hall, Cornish, Utah	Do.
Do	Sanpete	Fountain Green, city of.	H 490114 01	do	Mayor, City Hall, Fountain Green, Utah 84632.	Do.
Do	Kane	Glendale, town of.	H 490084 01	do	President, Town Hall, Glendale, Utah 84729.	Do.
Do	Millard	Kanosh, town of.	H 490088 01	do	Mayor, Town Hall, Kanosh, Utah 84637.	Do.
Do	Washington	Leeds, town of.	H 490175 01	do	President, Town Hall, Leeds, Utah 84746.	Do.
Do	Duchesne	Myton, city of.	H 490056 01	do	Mayor, P.O. Box 1, Myton, Utah 84052.	Do.
Do	Cache	Richmond, city of.	H 490027 01	do	Mayor, City Hall, Richmond, Utah	Do.
Do	Carbon	Sunnyside, city of.	H 490205 01 through H 490205 02	do	Mayor, City Hall, Sunnyside, Utah	Do.
Virginia	Halifax	Halifax, town of.	H 510301A 01 through H 510301A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Municipal Bldg., Halifax, Va. 24558.	Nov. 15, 1974. Feb. 6, 1976.
Washington	Wahkiakum	Cathlamet, town of.	H 530278 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, P.O. Box 218, Cathlamet, Wash. 98612.	Apr. 2, 1976.
Do	Lewis	Morton, city of.	H 530105A 01	do	Mayor, 250 East Main, City Hall, Morton, Wash. 98356.	May 24, 1974. Feb. 6, 1976.
West Virginia	Hancock and Brooke.	Weirton, city of.	H 540014B 01 through H 540014B 08	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Insurance Commissioner, Building No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor, 200 Municipal Plaza, Weirton, W. Va. 26062.	Feb. 1, 1974. Sept. 12, 1975. Feb. 6, 1976.
Wisconsin	Sauk	North Freedom, village of.	H 550339B 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington St., Madison, Wis. 53703.	Village President, Box 25, North Freedom, Wis. 53951.	Dec. 17, 1973. Oct. 24, 1975. Feb. 2, 1976.
Wyoming	Hot Springs	East Thermopolis, town of.	H 560025A 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Town Hall, East Thermopolis, Wyo. 82443.	Nov. 8, 1974. Feb. 6, 1976.
Do	Albany	Laramie, city of.	H 560002A 01 through H 560002A 04	do	City Manager, City Hall, P.O. Box C, Laramie, Wyo. 82070.	Apr. 5, 1974. Feb. 6, 1976.
*	*	*	*	*	*	*
Alabama	Shelby	Helena, town of.	H 010294A 01 through H 010294A 15	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 262, Helena, Ala. 35080.	Jan. 10, 1975. Feb. 13, 1976.
Arizona	Santa Cruz	Patagonia, town of.	H 040092 01	do	Mayor, Town Hall, Patagonia, Ariz. 85624.	Apr. 9, 1976.
Do	Apache	St. Johns, city of.	H 040010A 01	do	Director of Planning and Zoning, P.O. Box 238, St. Johns, Ariz. 85936.	June 7, 1974. Feb. 13, 1976.
Arkansas	Independence	Batesville, city of.	H 050091A 01 through H 050091A 03	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Batesville, Ariz. 72501.	Nov. 23, 1973. Feb. 13, 1976.
Do	Cleburne	Quitman, town of.	H 050280 01 through H 050280 02	do	Mayor, P.O. Box 124, Quitman, Ariz. 72131.	Apr. 9, 1976.
Do	Fulton	Viola, town of.	H 050296 01	do	Mayor, P.O. Box 122, Viola, Ariz. 72583.	Do.
California	Contra Costa	Pleasant Hill, city of.	H 060034A 01 through H 060034A 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, Pleasant Hill, Calif. 94523.	May 24, 1974. Feb. 13, 1976.
Do	San Mateo	Portola Valley, town of.	H 065052A 01 through H 065052A 04	do	Mayor, Town Hall, Portola Valley, Calif. 94025.	June 21, 1974. Feb. 13, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Seminole	Altamonte Springs, city of.	H 120290A 01 through H 120290A 04	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, 225 Newberry Port, Altamonte Springs, Fla. 32701.	Feb. 15, 1974. Feb. 13, 1976.
Do	Hendry	Clewiston, city of.	H 120108A 01 through H 120108A 02	do	Mayor, P.O. Box 698, Clewiston, Fla. 33440.	July 19, 1974. Feb. 13, 1976.
Do	Jackson	Graceville, city of.	H 120127A 01	do	Mayor, P.O. Drawer 636, Graceville, Fla. 32440.	Jan. 16, 1974. Feb. 13, 1976.
Do	Hendry	LaBelle, city of.	H 120109A 01	do	Mayor, P.O. Box 1003, La Belle, Fla. 33935.	Jan. 16, 1974. Feb. 13, 1976.
Do	Palm Beach	Mangonia Park, town of.	H 120216A 01	do	Mayor, 5301 Australian Avenue, West Palm Beach, Fla. 33407.	Jan. 16, 1974. Feb. 13, 1976.
Do	Brevard	Melbourne Village, town of.	H 120329A 01	do	Mayor, 535 Hammock Rd., Melbourne Village, Fla. 32901.	Feb. 15, 1974. Feb. 13, 1976.
Do	Bay	Mexico Beach, town of.	H 1200101A 01 through H 120010A 02	do	Mayor, P.O. Box 13425, Mexico Beach, Fla. 32410.	June 28, 1974.
Do	Indian River	Orchid, town of.	H 120122A 01	do	Mayor, Route 3, P.O. Box 66, Vero Beach, Fla. 32960.	Jan. 23, 1974. Feb. 13 1976.
Do	Seminole	Oviedo, city of.	H 120293A 01 through H 120293A 02	do	Mayor, P.O. Box 297, Oviedo, Fla. 32765.	Jan. 23, 1974.
Do	Broward	Pembroke Park, town of.	H 120052A 01	do	Mayor, 3150 Southwest 52 Ave., Pembroke, Fla. 33023.	May 31, 1974. Feb. 13, 1976.
Do	Volusia	Ponce Inlet, town of.	H 120312A 01	do	Mayor, 4747 South Peninsula Dr., Ponce Inlet, Fla. 32019.	Aug. 9, 1974. Feb. 13, 1976.
Do	Palm Beach	South Bay, city of.	H 120226A 01	do	Mayor, P.O. Box 130, South Bay, Fla. 33493.	July 19, 1974. Feb. 13, 1976.
Do	Martin	Stuart, city of.	H 120165A 01 through H 120165A 04	do	Mayor, P.O. Drawer 509, Stuart, Fla. 33494.	May 24, 1974. Feb. 13, 1976.
Do	Hardee	Wauchula, city of.	H 120105A 01	do	Mayor, P.O. Box 818, Wauchula, Fla. 33873.	Nov. 23, 1973. Feb. 13, 1976.
Do	Polk	West Dundee, city of.	H 120270A 01	do	Chairman, P.O. Box 60, Bartow, Fla. 33830.	Aug. 2, 1974.
Georgia	Cobb	Acworth, city of.	H 130053A 01 through H 130053A 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, 4375 Russell Square, Acworth, Ga. 30101.	Apr. 5, 1974. Feb. 13, 1976.
Do	Dougherty	Albany, city of.	H 130075A 01 through H 130075A 08	do	Mayor, P.O. Box 447, Albany, Ga. 31702.	May 17, 1974. Feb. 13, 1976.
Do	Clarke	Athens, city of.	H 130040A 01 through H 130040A 07	do	Mayor, City Hall, Athens, Ga. 30601.	Apr. 12, 1974. Feb. 13, 1976.
Do	Decatur	Bainbridge, city of.	H 130204A 01 through H 130204A 08	do	Mayor, P.O. Box 158, Bainbridge, Ga. 31717.	May 24, 1974. Feb. 13, 1976.
Do	Cherokee	Canton, city of.	H 130039A 01 through H 130039A 02	do	Mayor, P.O. Box 468, Canton, Ga. 30114.	Apr. 5, 1974. Feb. 13, 1976.
Do	Floyd	Cave Spring, city of.	H 130080A 01	do	Mayor, P.O. Box 375, Cave Spring, Ga. 30124.	June 14, 1974.
Do	McIntosh	Darien, city of.	H 130131A 01 through H 130131A 02	do	Mayor, P.O. Box 452, Darien, Ga. 31306.	May 10, 1974. Feb. 13, 1976.
Do	Jones	Gray, city of.	H 130237A 01 through H 130237A 02	do	Mayor, P.O. Box 443, Gray, Ga. 31032.	June 28, 1974. Feb. 13, 1976.
Do	Heard	Unincorporated areas.	H 130105 01 through H 130105 23	do	Chairman, Heard County Courthouse, Franklin, Ga. 30217.	Apr. 9, 1976.
Do	McIntosh	do	H 130130 01 through H 130130 37	do	Chairman, P.O. Box 584, Darien, Ga. 31305.	Do.
Do	Barrow	Statham, city of.	H 130275A 01 through H 130275A 03	do	Mayor, Box 26, Statham, Ga. 30666.	Apr. 4, 1975. Feb. 13, 1976.
Idaho	Latah	Genesee, city of.	H 160087 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206 Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Genesee, Idaho 83832.	Apr. 9, 1976.
Illinois	Mercer	Aledo, city of.	H 170507A 01	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, Aledo, Ill. 61231.	June 14, 1972.
Do	Lake	Bannockburn, village of.	H 170359A 01	do	Mayor, 2165 Telegraph Rd., Deerfield, Ill. 60015.	Feb. 1, 1974. Feb. 13, 1976.
Do	Cook	Calumet City, city of.	H 170072B 01 through H 170072B 03	do	Mayor, 204 Pulaski Rd., Calumet City, Ill. 60409.	Apr. 5, 1974. Dec. 5, 1975. Feb. 13, 1976.
Do	do	Hanover Park, village of.	H 170099A 01 through H 170099A 02	do	Village President, 2121 Lake St., Hanover Park, Ill. 60103.	Apr. 12, 1974. Feb. 13, 1976.
Do	Mercer	Keithsburg, city of.	H 170508B 01 through H 170508B 02	do	Mayor, City Hall, Keithsburg, Ill. 61442.	Feb. 15, 1974.
Do	Woodford	Roanoke, village of.	H 170727A 01	do	Village President, 201 West Husseman, Roanoke, Ill. 61561.	Mar. 1, 1974. Feb. 13, 1976.
Iowa	Harrison	Dunlap, city of.	H 190144A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Dunlap, Iowa 51529.	May 17, 1974. Feb. 13, 1976.
Do	Clayton	Luana, city of.	H 190767 01	do	Mayor, City Hall, Luana, Iowa 52156.	Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Letcher	Neon, town of	H 210139A 01 through H 210139A 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Town Hall, Neon, Ky. 41840	May 24, 1974. Feb. 13, 1976.
Do	Johnson	Paintsville, city of.	H 210127A 01	do	Mayor, P.O. Box 71, Paintsville, Ky. 41420.	Mar. 1, 1974. Feb. 13, 1976.
Do	Boyle	Perryville, city of.	H 210020A 01	do	Mayor, 5th St., Perryville, Ky. 40468	Aug. 9, 1974.
Do	Pike	Pikeville, city of	H 210193A 01 through H 210193A 02	do	Mayor, City Hall, Pikeville, Ky. 41501.	May 17, 1974. Feb. 13, 1976.
Do	Bell	Pineville, city of	H 210012A 01	do	Mayor, City Hall, Pineville, Ky. 40977.	Feb. 22, 1974. Feb. 13, 1976.
Do	Floyd	Prestonsburg, city of.	H 210072A 01 through H 210072A 03	do	Mayor, City Hall, Prestonsburg, Ky. 41653.	May 10, 1974. Feb. 13, 1976.
Do	Caldwell	Princeton, city of	H 210031A 01 through H 210031A 03	do	Mayor, 206 North Jefferson St., Princeton, Ky. 42445.	May 31, 1974. Feb. 13, 1976.
Louisiana	St. Landry	Leonville, village of.	H 220171 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village of Leonville, Leonville, La. 70551.	Apr. 9, 1976.
Do	Vernon	New Llano, village of.	H 220340 01	do	Mayor, P.O. Box 306, New Llano, La. 71461.	Do.
Do	Evangeline	Ville Platte, town of.	H 220070A 01 through H 220070A 02		Mayor, Town Hall, Ville Platte, La. 70586.	May 17, 1974. Feb. 13, 1976.
Maryland	Montgomery	Rockville, city of	H 240051A 01 through H 240051A 04	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, 111 Maryland Ave., Rockville, Md. 20850.	Apr. 5, 1974. Feb. 13, 1976.
Massachusetts	Essex	Haverhill, city of	H 250085A 01 through H 250085A 16	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Director of Planning and Development, Room 201, City Hall, Haverhill, Mass. 01830.	July 19, 1974. Feb. 13, 1976.
Michigan	Oakland	Keego Harbor, city of.	H 260173A 01 through H 260173A 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 2025 Beechmont, P.O. Box 595, Keego Harbor, Mich. 48033.	May 24, 1974. Feb. 13, 1976.
Do	Wayne	Riverview, city of.	H 260240B 01 through H 260240B 02	do	City Manager, 17700 Fort St., Riverview, Mich. 48192.	May 3, 1974. Feb. 28, 1975. Feb. 13, 1976.
Minnesota	Hubbard	Park Rapids, city of.	H 270196A 01 through H 270196A 02	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 228 South Main St., Park Rapids, Minn. 56470.	June 7, 1974. Feb. 13, 1976.
Do	Mille Lacs	Pease, city of	H 270291A 01	do	Mayor, City Hall, Pease, Minn. 56363	Aug. 2, 1974. Feb. 13, 1976.
Do	do	Princeton, city of	H 270292A 01	do	Mayor, City Hall, 206 South 5th Ave., Princeton, Minn. 55371.	May 10, 1974. Feb. 13, 1976.
Do	Kanabec	Quamba, city of	H 270218A 01	do	Mayor, City Hall, Quamba, Minn. 55064.	Aug. 9, 1974.
Do	Kandiyohi	Regal, city of	H 270223A 01	do	Mayor, City Hall, Regal, Minn. 56366	Jan. 31, 1975. Feb. 13, 1976.
Do	Hennepin	Robbinsdale, city of.	H 270181A 01 through H 270181A 02	do	Mayor, 4221 Lake Rd., Robbinsdale, Minn. 55422.	Mar. 29, 1974. Feb. 13, 1976.
Do	do	Rockford, city of	H 270182A 01	do	Mayor, 8130 Elm St., Rockford, Minn. 55373.	Nov. 9, 1973.
Do	Stearns	Rockville, city of	H 270454A 01	do	Mayor, City Hall, Rockville, Minn. 56369.	Aug. 2, 1974. Feb. 13, 1976.
Do	Roseau	Roseau, city of	H 270414A 01	do	Mayor, 100 2d Ave. NE., P.O. Box 307, Roseau, Minn. 56751.	Mar. 8, 1974.
Do	Morrison	Royalton, city of	H 270303A 01	do	Mayor, Box 277, Royalton, Minn. 56373.	June 7, 1974.
Mississippi	Pontotoc	Ecru, town of	H 280133A 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, P.O. Box 4, Ecru, Miss. 38841	Feb. 1, 1974. Feb. 13, 1976.
Missouri	Henry	Clinton, city of	H 290155A 01 through H 290155A 04	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, 213½ South Washington, Clinton, Mo. 64735.	Apr. 12, 1974. Feb. 13, 1976.
Do	Jefferson	Festus, city of	H 290191A 01	do	Mayor, P.O. Box 89, City Hall, Festus, Mo. 63028.	Oct. 18, 1974. Feb. 13, 1976.
Do	Johnson	Holden, city of	H 290714 01	do	Mayor, 217 South Market St., Holden, Mo. 64040.	Apr. 9, 1976.
Do	Dent	Salem, city of	H 290120A 01 through H 290120A 02	do	Mayor, 3d and Washington, Salem, Mo. 65560.	Mar. 1, 1974. Feb. 13, 1976.
Montana	Gallatin	Bozeman, city of	H 300028A 01 through H 300028A 06	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	City Manager, 411 East Main St., P.O. Box 1407, Bozeman, Mont. 59715.	Feb. 15, 1974. Feb. 13, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Monmouth	Farmingdale, borough of.	H 340296A 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 54 Main St., P.O. Box 58, Farmingdale, N.J. 07727.	Mar. 15, 1974. Feb. 13, 1976.
Do	Atlantic	Linwood, city of	H 340011A 01 through H 340011A 02	do	Mayor, 400 Poplar Ave., Linwood, N.J. 08221.	Mar. 29, 1974. Feb. 13, 1976.
Do	Union	Winfield, township of.	H 340479B 01	do	Mayor, 12 Gulfstream Ave., Winfield, N.J. 07036.	Mar. 8, 1974. Oct. 17, 1975.
New Mexico	Mora	Wagon Mound, village of.	H 350119 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box 38, Wagon Mound, N. Mex. 87752.	Apr. 9, 1976.
New York	Ontario	Gorham, town of.	H 360601A 01 through H 360601A 15	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Rural Delivery No. 1, Stanley, N.Y. 14561.	Aug. 2, 1974. Feb. 13, 1976.
Do	Westchester	Port Chester, village of.	H 360928A 01 through H 360928A 03	do	Mayor, 110 Willette Ave., Port Chester, N.Y. 10573.	May 3, 1974. Feb. 13, 1976.
Do	Dutchess	Rhinebeck, town of.	H 361144A 01	do	Town Supervisor, 80 East Market St., Rhinebeck, N.Y. 12572.	Oct. 18, 1974. Feb. 13, 1976.
Do	Cayuga	Union Springs, village of.	H 360129B 01	do	Mayor, Factory St., Union Springs, N.Y. 13160.	Apr. 11, 1975. Oct. 17, 1975. Feb. 13, 1976.
Oklahoma	Pittsburg	Alderson, town of.	H 400257 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, P.O. Box 143, Alderson, Okla. 73105.	Apr. 9, 1976.
Do	Okmulgee	Beggs, city of	H 400345 01	do	Mayor, City Hall, Beggs, Okla. 74421.	Do.
Do	Ataka	Caney, town of	H 400273 01	do	Mayor, P.O. Box 282, Caney, Okla. 74533.	Do.
Do	Bryan	Colbert, town of	H 400359 01	do	Mayor, P.O. Box O, Colbert, Okla. 14733.	Do.
Do	Nowata	Delaware, town of.	H 400367 01	do	President, Town Hall, Delaware, Okla. 74027.	Do.
Do	Bryan	Durant, city of	H 400460A 01 through H 400460A 04	do	Mayor, 201 North Third, P.O. Box 578, City Hall, Durant, Okla. 74701.	May 10, 1974. Feb. 13, 1976.
Do	Ottawa	Fairland, town of	H 400377 01	do	Mayor, City Hall, Box 355, Fairland, Okla. 74343.	Apr. 9, 1976.
Do	Garfield	Kremlin, town of.	H 400293 01	do	Mayor, P.O. Box 97, Kremlin, Okla. 70153.	Do.
Do	Grant	Lamont, town of	H 400295 01	do	Mayor, Box 355, Lamont, Okla. 74643	Do.
Do	Tillman	Manitou, town of	H 400302 01	do	President of Council, P.O. Box 98, Manitou, Okla. 73555.	Do.
Do	Kiowa	Mountain Park, town of.	H 400086 01	do	Mayor, City Hall, Highway 183, P.O. Box 126, Mountain Park, Okla. 73559.	Do.
Do	Canadian	Mustang, city of	H 400409 01 through H 400409 04	do	Mayor, P.O. Box 29, Mustang, Okla. 73064.	Do.
Do	Ottawa	North Miami, town of.	H 400426 01	do	Mayor, Town Hall, North Miami, Okla. 74358.	Do.
Do	Washington	Ochelata, town of	H 400315 01	do	Mayor, P.O. Box 204, Ochelata, Okla. 74051.	Do.
Do	Jackson	Olustee, town of	H 400430 01	do	Mayor, Box 181, Olustee, Okla. 73560	Do.
Do	Payne	Perkins, town of	H 400431 01	do	Mayor, P.O. Box D, Perkins, Okla. 74059.	Do.
Do	Noble	Perry, city of	H 400134A 01 through H 400134A 04	do	Mayor, City Hall, 617 Cedar, P.O. Box 111, Perry, Okla. 73077.	July 26, 1974. Feb. 13, 1976.
Do	Le Flore	Pocola, town of	H 400432 01	do	Mayor, P.O. Box 357, Pocola, Okla. 72902.	Apr. 9, 1976.
Do	Wagoner	Porter, town of	H 400434 01	do	Mayor, Route 1, Box 246-A, Porter, Okla. 74454.	Do.
Do	Lincoln	Praque, city of	H 400435 01 through H 400435 02	do	City Manager, P.O. Box 648, Praque, Okla. 74864.	Do.
Do	Kiowa	Roosevelt, town of.	H 400088A 01	do	Mayor, Town Hall, Roosevelt, Okla. 73564.	Nov. 1, 1974. Feb. 13, 1976.
Do	Pittsburg	Savanna, town of	H 400440 01 through H 400440 02	do	Mayor, P.O. Box 301, Savanna, Okla. 74564.	Apr. 9, 1976.
Do	Osage	Shidler, town of	H 400410 01	do	City Clerk, Town Hall, Shidler, Okla. 74652.	Do.
Do	Lincoln	Wellston, town of.	H 400452 01	do	President, P.O. Box 57, Wellston, Okla. 74881.	Do.
Do	Delaware	West Siloam Springs, town of.	H 400339 01	do	Mayor, Mountain Route 4, West Siloam Springs, Okla. 72701.	Do.
Do	Latimer	Wilburton, city of.	H 400250 01 through H 400250 02	do	Mayor, P.O. Box 310, Wilburton, Okla. 74578.	Do.
Pennsylvania	Susquehanna	New Milford, township of.	H 420615A 01 through H 420615A 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Box 302, New Milford, Pa. 18834.	June 14, 1974. Feb. 13, 1976.
Do	Delaware	Rose Valley, borough of.	H 420431B 01	do	Mayor, P.O. Box 198, Rose Valley, Pa. 19065.	May 25, 1973.
Do	York	Spring Grove, borough of.	H 420938A 01	do	Council President, 280 North Walnut St., Spring Grove, Pa. 17362.	May 3, 1974. Feb. 13, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Hockley	Anton, city of	H 480353A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jocinto St., Austin, Tex. 78701.	Mayor, P.O. Box 127, City Hall, Anton, Tex. 79313.	Mar. 29, 1974.
Do	Yoakum	Plains, city of	H 480683A 01	do	Mayor, City Hall, 601 East 11th St., P.O. Box 550, Plains, Tex. 79355.	May 24, 1974. Feb. 13, 1976.
Utah	Davis	Sunset, city of	H 490050A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg. Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Sunset, Utah 84015.	June 28, 1974.
West Virginia	Kanawha	South Charleston, city of.	H 540223 01 through H 540223 09	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Insurance Commissioner, Building No. 3 Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor, P.O. Box 8597, South Charleston, W. Va. 25303.	Apr. 9, 1976.
Wisconsin	Outgamie	Kaukauna, city of.	H 550305B 01 through H 550305B 03	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, Municipal Service Bldg., Kaukauna, Wis. 54130.	June 28, 1974.
Do	Polk	Osceola, village of.	H 550336A 01 through H 550336A 02	do	Mayor, Municipal Offices, Osceola, Wis. 54020.	May 24, 1974.
Wyoming	Carbon	Saratoga, town of.	H 560012A 01 through H 560012A 02	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, City Hall, Saratoga, Wyo. 82331.	June 14, 1974. Feb. 13, 1976.

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

Issued: February 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5030 Filed 2-24-76;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 JUSTICE

Immigration and Naturalization Service

[8 CFR Part 108]

ASYLUM

Enforced Departure Following Denial of Application

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383, notice is hereby given of the proposed amendment of 8 CFR 108.2, pertaining to the delayed enforced departure of an alien whose application for asylum has been denied for the reason that it is clearly lacking in substance.

Existing § 108.2 provides, in pertinent part, that if an application for asylum is denied for the reason that it is clearly lacking in substance, notification shall be given to the Department of State, with opportunity to supply a statement containing matter favorable to the application, and departure of the applicant shall not be enforced until 30 days following the date of notification unless a reply has been received from the Department of State prior to that time. The Service has been officially notified by the Department of State that it waived the opportunity to comment in certain classes of cases. Accordingly, it is proposed to amend the fifth sentence of § 108.2 to provide that there does not need to be a 30-day delay of enforced departure in any class of cases in which such official notification has been furnished the Service by the Department of State.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N.W., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by March 25, 1976, will be considered.

PART 108—ASYLUM

It is proposed to amend the fifth sentence of § 108.2 by adding a proviso at the end thereof. As proposed, § 108.2 reads as follows:

§ 108.2 Decision.

The applicant shall appear in person before an immigration officer prior to adjudication of the application, except that the personal appearance of any children included in the application may be waived by the district director. The district director shall request the views of the Department of State before making his decision unless in his opinion the application is clearly meritorious or clearly lacking in substance. The district director may approve or deny the application in the exercise of discretion. The district director's decision shall be in writing, and no appeal shall lie therefrom. If an application is denied for the reason that it is clearly lacking in substance, notification shall be given to the Department of State, with opportunity to supply a statement containing matter favorable to the application, and departure shall not be enforced until 30 days following the date of notification unless a reply has been received from the Department of State prior to that time: *Provided*, however, there need be no delay of departure in any class of cases in which the Service has been officially notified by the Department of State that it does not desire to be consulted. A case shall be certified to the regional commissioner for final decision if the Department of State has made a favorable statement, but, notwithstanding, the district director has chosen to deny the application. If any decision will be based in whole or in part upon a statement furnished by the Department of State, the statement shall be made a part of the record of proceeding, and the applicant shall have an opportunity for inspection, explanation, and rebuttal thereof as prescribed in § 103.2(b)(2) of this chapter. A denial under this part shall not preclude the alien, in a subsequent expulsion hearing, from applying for the benefits of section 243(h) of the Act and of Articles 32 and 33 of the Convention Relating to the Status of Refugees.

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

Dated: February 19, 1976.

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

[FR Doc.76-5283 Filed 2-24-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 290; Re: No. 280]

DOMESTIC AND IMPORTED WINES

"Appellation of Origin", "Viticultural Area", and "Estate Bottled"; Hearing

Notice is hereby given pursuant to the provisions of Section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), that the Bureau of Alcohol, Tobacco and Firearms will hold public hearings on its Notice No. 280 (40 FR 30117), relating to previously proposed regulatory definitions for "Appellation of Origin" and "Viticultural Area" in 27 CFR 4.10 and on a new proposed regulation which would define the term "Estate bottled", published herein. The hearings will be held at 10:00 a.m., p.d.t. in Room 503 of the U.S. Customs House, 555 Battery Street, San Francisco, California, on April 13, and, if necessary, April 14, 1976, and at 10:00 a.m., e.d.t. in Room 5041 of the Ben Franklin Post Office Building, 1200 Pennsylvania Avenue, Washington, DC, on April 20, 1976.

Although no hearings were originally thought necessary in connection with the "Appellation of origin" and "Viticultural area" defintions, a large volume of comments by consumers and industry have demonstrated that the proposal is controversial, and deserves public airing. Any proposed regulation defining "Estate bottled" is bound to be controversial, and should be discussed at the same time.

The Bureau, in holding separate hearings in San Francisco and Washington, is trying to accommodate the many West Coast wineries and the many knowledgeable West Coast wine consumers on the one hand, and the eastern industry and Washington based consumer groups on the other.

Notice No. 280, relating to proposed definitions of "Appellation of origin" and "Viticultural area" in 27 CFR 4.10 was published in the FEDERAL REGISTER on July 17, 1975. The Bureau will provide reprints of the document free upon request.

In brief the proposed regulations defined an "Appellation of origin" for domestic wine as (1) the United States; (2) a State; (3) a county; or (4) a region or place within a State which has been formally recognized by the State for the purpose of growing fruit or other agricultural products. For imported wine, an "Appellation of origin" was defined as (1) a country; (2) a State, province or similar subdivision of a country; or (3) an area or region within a country recognized for the purpose of growing fruit or other agricultural products used in the production of wine. A "Viticultural area" was defined in the proposal as synonymous with an "Appellation of origin" except that the United States and foreign countries would be excluded.

As used in Europe, terms as "originalabfüllung" and "Mise du Domaine", which are roughly equivalent to "Estate bottled" mean that the wine was bottled on the premises of the winery that grew the grapes and made the wine. Domestically, ATF has approved the use of the term "Estate bottled" (on a case-by-case basis) where the "estate" was no more than five miles from, and owned or controlled by, the bottling winery.

The proposed new regulation defining "Estate bottled" is a result of the Bureau's concern that the term will inevitably become meaningless if not formally defined. We see a phrase which

can convey valuable information to the consumer as to quality becoming mere puffery if used without restriction.

In general, the proposed new regulation defining "Estate bottled" provides that grape wine may be so labeled only if produced by the bottling winery entirely from grapes grown within 5 miles of, and on property owned by, the bottling winery. In the case of a cooperative winery, the term "owned by the bottling winery" would include property owned by members of the cooperative.

A period of one year from the effective date of these regulations would be allowed for use-up of existing approved labels which no longer qualify for the designation "Estate bottled."

This Notice and Notice No. 280 (40 Fed. Reg. 30117) relating to "Appellation of origin" and "Viticultural area" provide a general description of the subjects and issues involved. The language of the proposed regulations is merely tentative, and all oral and written comments submitted on the subject matter and issues involved will be considered by the Bureau in adopting the final regulations.

Based on the foregoing, the Bureau now proposes to add a new section, 27 CFR 4.26, immediately following 4.25, to read as follows:

§ 4.26 Estate bottled.

Wine made in accordance with the standards prescribed in classes 1, 2, and 3 of § 4.21 may be labeled "Estate bottled" if it is produced by the bottling winery entirely from grapes grown within five miles of, and on property owned by, the bottling winery. In the case of a cooperative winery, the term "owned by the bottling winery" shall include property owned by members of the cooperative.

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than March 30, 1976. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Evening hearings. If there are a significant number of consumers or other interested parties who would like to present oral testimony on these issues, but would be unable to do so during the scheduled morning and afternoon sessions, the Director will consider the scheduling of an additional evening session at one or both locations (probably on the same dates). Such persons should indicate in their requests (in addition to the information outlined at (1), (2), and (3) above) the evening hearing hours during which they would be able to present oral testimony and their telephone numbers. If the Director decides that one or more evening sessions are warranted, notification of the dates, times, and place will be published in a subsequent issue of the FEDERAL REGISTER and an attempt will be made to notify by telephone persons wishing to testify at such evening sessions. Requests for evening testimony must be received by March 23, 1976.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and two copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than April 6, 1976. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

At the conclusion of the hearing, a reasonable time will be afforded interested parties for the examination of the record and submission of written arguments and briefs.

Signed: February 17, 1976.

REX D. DAVIS,
Director.

Approved: February 20, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-5450 Filed 2-24-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1124]

[Docket No. AO-368-A9]

MILK IN THE OREGON-WASHINGTON MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Greenwood Inn, State Route 217 and Southwest Allen Boulevard (10700 Southwest Allen Boulevard), Beaverton, Oregon, beginning at 9:30 a.m., local time, March 10, 1976, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

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 amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY FARMERS COOPERATIVE CREAMERY, PORTLAND INDEPENDENT MILK PRODUCERS ASSOCIATION, AND CORVALLIS MILK PRODUCERS ASSOCIATION

PROPOSAL NO. 1

Amend § 1124.11(a) of the order to read:

§ 1124.11 Producer.

* * * * *

(a) A cooperative association may divert for its account to a nonpool plant the milk of any member producer whose milk has been previously received at a pool plant and from whom at least one delivery has been received at a pool plant during the months of September, October and November, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the months from all such producers at pool plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

PROPOSAL NO. 2

Amend the order to provide for partial payments to producers or to a cooperative association(s) authorized to receive payment for milk received by handlers during the first half of the month.

PROPOSAL NO. 3

In § 1124.85, Adjustment of accounts, revise paragraph (b) to read:

§ 1124.85 Adjustment of accounts.

* * * * *

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87 or paragraph (a) of this section including obligation incurred under this paragraph, shall be increased three-fourths of 1 percent on the 4th day following the due date of such obligation and at a similar rate on the first day of each month thereafter until such obligation is paid.

PROPOSED BY SAFEWAY STORES, INC.

PROPOSAL NO. 4

Amend § 1124.11(b) of the order to read:

§ 1124.11 Producer.

* * * * *

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk has been previously received at a pool plant and

from whom at least one delivery is received at his pool plant(s) during the months of September, October, and November, and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the months from all producers at his pool plant(s).

PROPOSED BY MAYFLOWER FARMS

PROPOSAL NO. 5

In § 1124.52, *Location adjustment to handlers*, add Medford, Oregon, as one of the basing points for determining location adjustments, so that paragraph (a) in part will read: "(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant 100 miles or more from the nearer of the Multnomah County Court House in Portland, Oregon, the City Hall in Eugene, Oregon, or the Jackson County Court House in Medford, Oregon, by shortest * * *"

PROPOSED BY UMPQUA MILK MARKETING CO-OPERATIVE, INC., AND UMPQUA DAIRY PRODUCTS COMPANY

PROPOSAL NO. 6

Eliminate location adjustments by deleting from the order §§ 1124.52 and 1124.83.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 7

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. James Burger, P.O. Box 23606, 13333 SW. 68th Parkway, Portland, Oregon 97223, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on February 24, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–5539 Filed 2–24–76;10:02 am]

Farmers Home Administration

[7 CFR Part 1807]

[FmHA Instruction 427.1]

TITLE CLEARANCE AND LOAN CLOSING

Designation of Attorneys

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1807.1(e) of Part 1807, Title 7, Code of Federal Regulations (31 FR 14123). This amendment will provide for: (1) A specific statement regarding nondiscrimination; (2) a reasonable upper limit to the number of attorneys that may be designated in the county; (3) the FmHA State Director to consult with local or State bar associations at his discretion; and (4) the use of a borrower's attorney who has not been approved by the FmHA State Director under certain limited circumstanes.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before March 26, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.–4:45 p.m.). As proposed § 1807.1(e) as amended reads as follows:

§ 1807.1 General.

* * * * *

(e) *Designation of attorneys.* The State Director will designate attorneys, without any discrimination whatsoever, in each county or area in which it is possible to have them furnish all of the legal services required of such attorneys by this part. Only in a rare case will there be less than two attorneys designated in a county. However, there is a management limit as to the number of attorneys that can be effectively utilized, therefore, the number of attorneys to be designated in a county will be limited to that number which is reasonably required to handle the volume of real estate loan (and transfer) business in the county. The State Director, at his discretion may consult with the Office of the General Counsel and/or the local or State bar association as to the professional qualifications of a proposed designated attorney. In addition, a borrower, who prior to application for a loan has retained an attorney, may request that the attorney be approved for his loan. Such approval will be given for closing that particular loan by the County Supervisor if the attorney has the required bonding and insurance and to the best of the County Supervisor's knowledge the attorney is in good standing.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, sec. 10 Pub. L. 93–357, 88 Stat 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: February 20, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–5390 Filed 2–24–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 102]

DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Proposed Implementation

Notice is hereby given that the Small Business Administration is considering amendments to 13 CFR Part 302, Subpart B—The Privacy Act of 1974, published in the FEDERAL REGISTER, October 6, 1975 (40 FR 46280).

Implementation of these amendments will inform the public how a requestor's identity shall be verified and where a request for amendment to a record should be sent. Also, the proposed amendments will provide that the time and place(s) for reviewing a record shall be specified when a request for access is granted and that prior recipients of a record will be provided with amended copies of the record.

1. In § 102.27 paragraph (c) is revised and paragraph (e) is amended by adding the following sentences at the end of the paragraph to read as follows:

§ 102.27 Requests by individuals to gain access to records.

* * * * *

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purposes. The Systems Manager, after reviewing the request for information, may also request other identification of the individual for verification, such as (1) the employee number, (2) the dates of employment, (3) Disaster Home Loan number, (4) driver's license, (5) Medicare card, (6) a signed statement or (7) any additional information as he deems necessary for conclusive verification. The Systems Manager may request a Social Security Number for individual verification, although access may not be denied for refusal to disclose this number as provided in § 102.32(e). If he is unable to identify the record from the information submitted, he may require additional information. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representatives has proper authorization.

* * * * *

(e) * * * In the event that the request is granted, the notification to the requestor should state: (1) The Agency's determination that, unless requestor objects for good cause, it can grant access to a record only by providing a copy through the mail because it cannot otherwise provide reasonable means for the individual to have access to his or her record in person; or (2) the time and place(s) where the record may be reviewed.

2. Section 102.29(a) is amended by adding the following sentence at the end of the paragraph and adding the follow-

ing new paragraph (d) to read as follows:

§ 102.29 Requests for correction or amendment to record.

(a) * * * The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

* * * * *

(d) Systems Manager shall, if the request for amendment has been granted, send an amended copy of the record to prior recipients of the record.

3. Section 102.30 is amended by adding the following paragraph (f):

§ 102.30 Appeal of initial Agency determination on correction or amendment of a record.

* * * * *

(f) In the event that an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making amendments requested, to prior recipients of the disputed record.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Privacy Act Officer, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416. All relevant material received on or before March 26, 1976, will be considered. All written comments received will be avaflable for public inspection at the above address only between the hours of 8:30 a.m. and 5:00 p.m. (except holidays), during the mentioned 30 day period and for 10 days thereafter.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-5284 Filed 2-24-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 115; Rev. 2]

ASSISTANT COMMISSIONER FOR COMPLIANCE, INTERNATIONAL OPERATIONS OFFICE AND REGIONAL COMMISSIONERS

Delegation of Authority

FEBRUARY 3, 1976.

Delegation Order; Audit and Settlement of Accountable Officers' Accounts-Revenue Accounting.

Pursuant to authority vested in the Commissioner of Internal Revenue by Department of the Treasury, Fiscal Service Regulation No. 4 (First Revision) dated November 19, 1975, there is hereby delegated to those listed below the authority to resolve, by administrative action appropriate to the circumstances, irregularities arising from a single incident or series of similar incidents occurring about the same time, amounting to less than $500 (except those involving fraud or unusual irregularities, both in nature and amount, and exceptions or charges raised by the General Accounting Office).

1. Regional Commissioners for their jurisdictions.

2. Assistant Commissioner (Compliance) for the Office of International Operations.

The authority delegated herein may not be redelegated.

Delegation Order No. 115 (Rev. 1), issued April 28, 1971, is hereby superseded.

Date of issuance and effective date: February 3, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc. 76-5389 Filed 2-24-16; 8:45 am]

[Order No. 111; Rev. 2]

CHIEF, FISCAL MANAGEMENT BRANCH, ET AL.

Delegations of Authority

FEBRUARY 5, 1976.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by 31 CFR Part 5, the authority for administrative collection, compromise, termination, or suspension of agency collection action under the Federal Claims Collection Act of 1966 is hereby delegated as follows:

(a) The Chief, Fiscal Management Branch, each Regional Office; the Chief, National Office Accounting Branch; and the Chief, Fiscal Division, IRS Data Center, shall take aggressive action, on a timely basis with effective follow-up, to collect claims of the United States (except claims arising from damage to, or loss of, Government property, breach of contract cases, or other damages arising from tortious acts against the Service) for money or property arising out of the activities of, or referred to, the Service. Each Chief is authorized to compromise, terminate, or suspend collection action on such claims that do not exceed $20,000, exclusive of interest, upon written recommendation of Chief Counsel or Chief Counsel's designee, and may terminate collection action on such claims up to $50 without the recommendation of Chief Counsel.

(b) The Chief, Facilities Management Branch, each Regional Office, shall take aggressive action on a timely basis with effective follow-up, to collect claims arising from damage to, or loss of, Government property, breach of contract cases, or other damages arising from tortious acts against the Service up to $5,000, exclusive of interest and costs, of the United States for money or property arising out of the field activities of the Service. Each Chief is authorized to compromise such claims or terminate, or suspend collection action on such claims up to $5,000 upon written recommendation of Regional Counsel, and may terminate collection action on such claims up to $50 without the recommendation of Regional Counsel.

(c) The Safety Management Officer, Protective Programs Branch, National Office, shall take aggressive action, on a timely basis with effective follow-up, to collect claims of the United States for money or property arising out of the activities of, or referred to, the Service, for damage to, or loss of, Government property, breach of contract cases, or other damages arising from tortious acts against the Service. The Safety Management Officer is authorized to compromise, terminate, or suspend collection action on such claims that do not exceed $20,000 upon written recommendation of Chief Counsel and may terminate collection action on such claims up to $50 without recommendation of Chief Counsel.

2. This Order does not apply to tax claims nor any claim where there is an indication of fraud or misrepresentation on the part of the debtor.

3. The authority delegated herein may not be redelegated.

4. This Order supersedes Delegation Order No. 111 (Rev. 1), issued February 5, 1970.

Date of issuance and effective date: February 5, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-5308 Filed 2-24-76;8:45 am]

[Order No. 59; Rev. 6]

FISCAL MANAGEMENT OFFICER, ET AL.

Delegation of Authority

JANUARY 30, 1976.

Delegation Order; designation of Cashiers for Investigative Purposes.

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 152 (Revised), dated October 15, 1959, there is hereby delegated to the Fiscal Management Officer, the Assistant Fiscal Management Officer, the Chief, Accounting Branch, and the Chief, Fiscal Section, Fiscal Management Division, the authority to determine the need for imprest funds for investigative purposes, and the locations at which such imprest funds are required; to request the designation of officers and employees to serve as cashiers with authority to hold cash for investigative purposes; to request the revocation of such designations; and to request the amount of advance to be carried by each such cashier.

With respect to the establishment and maintenance of imprest funds for investigative purposes in the Intelligence activity, the authority delegated above is also hereby delegated to Regional Commissioners, Assistant Regional Commissioners (Administration), Chiefs, Fiscal Management Branches, and Chiefs, Fiscal Sections.

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 59 (Rev. 5), issued February 1, 1973.

Date of issuance and effective date: January 30, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-5387 Filed 2-24-76;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 219-2]

APPEALS TO THE SECRETARY OF THE TREASURY FROM DECISIONS ON FORFEITURES AND CLAIMS

New Procedures

This order establishes a new procedure for submitting appeals to the Secretary of the Treasury from decisions of the Commissioner of Customs with respect to forfeitures and claims for forfeiture value assessed under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592). A review by the Secretary of the Treasury under this new procedure is not a matter of right but of discretion by the Secretary, and will be undertaken only

when there are special and important reasons therefor.

A petitioner filing a supplemental petition under § 171.33 of the Customs regulations (19 CFR 171.33) from a decision of the Commissioner of Customs with respect to any liability assessed under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), may request that the petition be accepted as an appeal to the Secretary of the Treasury. The Secretary of the Treasury will accept for decision any such supplemental petition when in his discretion he determines that such petition raises a question of fact, law, or policy of such importance as to require a decision by the Secretary. If the Secretary of the Treasury declines to accept an appeal for decision, the petitioner will be so informed and the decision of the Commissioner of Customs on the supplemental petition will constitute the final agency decision.

The filing requirements of § 171.33(a) of the Customs regulations (19 CFR 171.33(a)) with regard to the time and place of filing of supplemental petitions apply to appeals to the Secretary of the Treasury under the new procedure. The Assistant Secretary of the Treasury (Enforcement, Operations and Tariff Affairs) or his delegate will act for the Secretary of the Treasury with respect to appeals under the new procedure as authorized by Treasury Department Order No. 190, Revised. Treasury Department Order No. 165, Revised, shall not be affected by this Order.

(R.S. 251, as amended, secs. 592, 618, 624, 46 Stat. 750, as amended, 757, as amended, 759 (5 U.S.C. 301, 19 U.S.C. 66, 1592, 1618, 1624))

Effective date. The new procedure is effective on February 25, 1976.

Dated: February 18, 1976.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary (Enforcement, Operations, and Tariff Affairs).

[FR Doc.76-5286 Filed 2-24-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at the Naval Postgraduate School, Monterey, California on March 15, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

FEBRUARY 20, 1976.

[FR Doc.76-5365 Filed 2-24-76;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at the Naval Electronic Laboratory Center, San Diego, California on March 30–31, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. The laser area includes programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

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

FEBRUARY 20, 1976.

[FR Doc.76-5366 Filed 2-24-76;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging & Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on March 16, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include details of classified defense programs.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

FEBRUARY 20, 1976.

[FR Doc. 76-5367 Filed 2-24-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 1849]

CALIFORNIA

Order Providing for Opening of Public Lands

FEBRUARY 18, 1976.

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to authority redelegated to me by Bureau Order No. 701 of July 23, 1964, it is ordered as follows:

1. In an order issued September 10, 1975, the Federal Power Commission vacated the withdrawal created pursuant to the filing on May 3, 1927, of an application for license for Power Project No. 803, so far as it pertains to portions of the following described subdivisions lying outside the boundary of Power Project 803, as shown on map Exhibit K FPC Nos. 803–2, –13, and –14:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 3 E.,
Sec. 2, S½NE¼;
Sec. 28, E½SW¼NE¼.
T. 24 N., R. 3 E.,
Sec. 24, NW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼;
Sec. 36, unpatented portion of S½NE¼ SW¼.
T. 25 N., R. 4 E.,
Sec. 12, unpatented portions of SW¼SE¼, SE¼SW¼;
Sec. 13, unpatented portions of NE¼, E½ NW¼, NE¼SE¼.
T. 25 N., R. 5 E.,
Sec. 18, Lot 3, NE¼NW¼.
T. 26 N., R. 5 E.,
Sec. 30, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼.

2. The Federal Power Commission Order dated September 10, 1975, vacates Federal Power Commission Order dated May 3, 1927, in its entirety on Power Project 803 withdrawn as to the following lands:

MOUNT DIABLO MERIDIAN

T. 24 N., R. 4 E.,
Sec. 34, NE¼NW¼.
T. 25 N., R. 4 E.,
Sec. 2, NE¼ S½SW¼, W½SE¼ (unsurveyed);
Sec. 3, S½S½ (unsurveyed);
Sec. 10, N½NE¼, SE¼NE¼, NW¼, N½ SE¼, SW¼SE¼ (unsurveyed), N½ SW¼;
Sec. 11, N½NW¼, SW¼NW¼ (unsurveyed);
Sec. 16, W½NE¼, NE¼NW¼, SW¼NW¼;
Sec. 32, SE¼SE¼;
Sec. 33, W½NW¼, NW¼SW¼.

3. The Federal Power Commission Order dated September 10, 1975, does not vacate Federal Power Commission Order of May 3, 1927, as it pertains to all portions of the following described tracts lying within 50 feet of the center line of the below described transmission line withdrawal.

MOUNT DIABLO MERIDIAN

T. 22 N., R. 3 E.,
Sec. 8, NE¼SE¼SW¼, W½NW¼SE¼, NW¼SW¼SE¼, SE¼SW¼NE¼, and unpatented portion of NE¼NW¼NE¼.
T. 23 N., R. 3 E.,
Sec. 22, lots 3, 4, and 9.

The State of California has waived its preference right of application for highway right-of-way or material sites afforded it by Section 24 of the Federal Power Act.

At 10 a.m. on _____ the unappropriated, unreserved public lands described in paragraphs 1 and 2 above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws. The lands embraced in the forest shall be open to such disposition as may be made of national forest lands.

All the lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–5305 Filed 2–24–76;8:45 am]

[NM 27594]

NEW MEXICO

Application

FEBRUARY 17, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 7 W.,
Sec. 3, N½SW¼ and W½SE¼.

This pipeline will convey natural gas across .481 of a mile of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–5306 Filed 2–24–76;8:45 am]

UKIAH DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Ukiah District Multiple-Use Advisory Board to the Bureau of Land Management will meet at the Ukiah District Office, 555 Leslie St., Ukiah, California, April 1–2, 1976. Meeting times are 10:00 a.m. to 5:00 p.m. on Thursday and 8:00 a.m. to 3:00 p.m. on Friday. Scheduled for the first day is a tour of the Cow Mountain Planning Unit, located immediately east of Ukiah. The tour is open to the public; however, transportation must be provided by those wishing to attend. Vehicles capable of traveling on steep, narrow dirt roads will be required. The agenda for the second day will consist of discussions of Cow Mountain Land Use Plan, geothermal development in the Ukiak District, Pocock Creek brush chaining project (Napa County), Advisory Board recharter for 1977, and the September 1975 BLM State Advisory Board Meeting.

The meeting will be open to the public. Time will be made available at 8:00 a.m. on Friday and 2:30 p.m. on Friday for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the Ukiah District Manager prior to the meeting days. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mail to the Ukiah District Manager.

Dated: February 18, 1976.

MELVIN D. CLAUSEN,
Acting District Manager.

[FR Doc.76–5304 Filed 2–24–76;8:45 a.m.]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

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

APPLICANT

Oklahoma City Zoo, Route 1, Box 478, Oklahoma City, Oklahoma 73111, Lawrence Curtis, Director.

OMB NO. 42-R1670

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

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)

[ ] [redacted] [x] PERMIT to import an endangered species

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Import one (1) male black-faced mallee (Macropus fuliginosus melanops) from the Melbourne Zoo to the Oklahoma City Zoo for breeding in captivity.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Oklahoma City Zoo
Rt. 1, Box 478
Oklahoma City, OK 73111
(405) 424-3344

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

[ ] MR. [ ] MRS. [ ] MISS [ ] MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

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

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological, Educational, or scientific or propagation

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

N/A

NAME, TITLE, AND PHONE NUMBER OF RESPONSIBLE PRINCIPAL OFFICER, DIRECTOR, ETC. 405/424-3344
Lawrence Curtis, Director

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

6. DESCRIPTION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

IMPORT from the Melbourne Zoo, Zoological Board of Victoria, Parkville, Victoria, Australia to the Oklahoma City Zoo.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [x] YES [ ] NO
(If yes, list license or permit numbers)
73EZ2

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [x] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Valid permit from Australia will be in hand prior to shipment.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
not required

10. DESIRED EFFECTIVE DATE: 15 Jan 75

11. DURATION NEEDED: 6 mos.

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

(6)(i,ii,v);(7)

CERTIFICATION

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

SIGNATURE (In ink) [signature] DATE 14 JAN 1976

3-200 (8/74)

Oklahoma City Zoo
P.O. Box 478, Route 1
Oklahoma City, Oklahoma 73111
Tel-405/424-3344 Cable-OKCZOO

CITY OF OKLAHOMA CITY
DEPARTMENT OF THE ZOO

January 14, 1976

Lawrence Curtis
Director
Ernest Hagler
Assistant Director

ZOO

Lewis Turner
Manager, Administrative/
Zoo Services
A. L. Perotka, D.V.M.
Veterinarian
Bedford Vestal, PH.D
Research Curator
Nick Eberhardt
Zoological Supervisor
Victor Camp
Zoological Curator
John Snelling
Zoological Curator
Don Baker
Exhibits Curator
Nathanial Batchelder
Education Curator
Terry Bernardy
Staff Artist

Director
U. S. Fish & Wildlife Service
Washington, D.C. 20249

Dear Sir:

Please consider this our application to import an endangered species of animal within the context of Endangered and Threatened Wildlife and Plants Part 17 Subpart C, Article 17.22 for enhancement of propagation.

(a)(1) importation of one (1) adult male Black-faced mallee kangaroo (Macropus fuliginosus melanops)

(2)(i) N/A
(ii) N/A
(iii) was born in captivity

(3) N/A - see (2)(iii)

(4) born and raised in captivity at the Melbourne Zoo, Victoria, Australia

(5) Oklahoma City Zoo
Rt. 1, Box 478
Oklahoma City, Oklahoma 73111

(6)(i) see attachment number 1.
(ii) The Oklahoma City Zoo staff has successfully bred the Black-faced mallee (Macropus fuliginosus melanops) - producing seven (7) offspring, Wallaroo (M. robustus) - producing nine (9) offspring, Giant red kangaroo (Megaleia rufa) - producing sixty-five (65) offspring, Kangaroo Island Dama wallaby (Thylogale eugenii decres) - producing six (6) offspring, and the Dama wallaby (Protemnodon eugenii) - producing four (4) offspring. We developed a technique for handrearing macropod marsupials which was subsequently published in the International Zoo Yearbook (see attachment number 2).

U.S. Fish & Wildlife Service
14 Jan 76
Page Two

Our nursery staff has successfully handreared the Wallaroo, Giant red kangaroo, and the Dama wallaby.

(iii) The Oklahoma City Zoo is willing to participate in a cooperative breeding program and to maintain or contribute to a studbook for the wildlife covered by this permit application.

(iv) This animal will be packed in a crate meeting or exceeding current I.A.T.A. regulations and shipped by the most appropriate airline from the Melbourne Zoo to the Oklahoma City Zoo. Complete feeding and watering instructions to be attached to shipping crate.

(v) See attachment number 3.

(7) See attachment numbers.

(8) The Oklahoma City Zoo currently holds seven (7) adult female Black-faced mallee kangaroos which have only produced one offspring since the arrival of our current male in February, 1973. Based on the above reproductive record and the fact that we are unable to insure reproduction of the seven females with our current male, we feel justified in obtaining a permit to import another male.

(i) see U.S.D.I. form 3-200 (item 2) - attached

(ii) see (6) (iv)

(iii) importation of a new male will increase the potential reproductive rate of our current Black-faced grey mallee kangaroo group and provide additional offspring for future captive populations thus reducing the threat to wild populations.

(iv) In the event of death of the animal in question, the carcass will be preserved as a scientific specimen, and be made available to an institution(s) of higher learning for postmortem study.

It is our understanding that Form 3-200 (enclosed) provides the Certification necessary for this permit application.

Sincerely,

Lawrence Curtis
Zoo Director

mw

Att: 1. Paddock drawing 2. A Simple Method of Hand-Rearing Kangaroos by J. Tuttle
3. History of Mortality in M.f. melanops at OKC-Zoo 4. Letter dated 14 Jan 76(
5. Animal Transaction Confirmation dated 5 Dec 75 6. Form 3-200
7. Letter dated 7 Jan 75 (copy)

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 26, 1976, will be considered.

Dated: February 19, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-5392 Filed 2-24-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

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

APPLICANT

Mr. David E. Sanderlin, Box 44, Shawboro, North Carolina 27973.

OMB NO. 42-R1870

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

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

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

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Interstate transportation in course of commercial activity for propagation purposes.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David E. Sanderlin
Box 44
Shawboro, N. C. 27973
919-336-2223

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'0" WEIGHT: 170
DATE OF BIRTH: 11-8-36 COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 919-232-2893 SOCIAL SECURITY NUMBER: 240-54-9790
OCCUPATION: Truck Driver
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: N/A
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Box 44
Shawboro, N. C. 27973

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

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

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

10. DESIRED EFFECTIVE DATE: 4-2-76

11. DURATION NEEDED: 2 years

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

CERTIFICATION

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

SIGNATURE (In ink): David E Sanderlin
DATE: 1-24-76

3-200
10/74

Part 17.22.

#12 Attachment:

1. Brown Eared Pheasant—Crossoptilon Mantchuricum, 3-1 male, 2 hens—1975 Hatch; Swinhoe's Pheasant—Lophura Swinhoei, 3-1 male, 2 hens—1975 Hatch; Edward's Pheasant—Lophura Edwardsi, 3-1 male, 2 hens—1975 Hatch; Humes Bar-Tailed Pheasant—Syrmaticus humiae humiae, 3-1 male, 2 hens—1975 Hatch; Mikado Pheasant—Syrmaticus Mikado, 3-1 male, 2 hens—1975 Hatch.

2. iii.

3 and 4. Raised in captivity: Humes & Swinhoes (US) Pennsylvania, Mikado & Edwards (US) New York, Brown Eared (US) Minnesota.

5. At home—Box 44, Shawboro, N.C. 27973.

6. i. See photographs.

ii. My wife and I work together in caring for the pheasants. Since we are just beginning we haven't had much experience in raising them. We are subscribers to the Gazette, Member of American Pheasant & Waterfowl Society, and also have purchased several books pertaining to pheasants such as *A Guide to the Pheasants of the World.*

iii. I am willing to participate in any type of program that would be a benefit to me in learning more about pheasants.

iv. I have not transported any pheasants but those we have received were shipped in crates about 16'' x 24''. They were shipped air freight and received the same day shipped.

v. I am only beginning so this does not apply to me.

7. I do not have a copy of a contract or an agreement but I have talked with Mr. Clayton Burkey from Pennsylvania and Mr. Warren Mack from New York about purchasing some of the pheasants. No date was set being I had not been issued a permit.

8. I did not understand this question. I was not sure whether this applied to me or not.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 26, 1976, will be considered.

Dated: February 19, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-5393 Filed 2-24-76;8:45 am]

DEPARTMENT OF COMMERCE

Appeals Board

[Docket No. FC–72]

T. J. SAS & SON, LTD. AND T. R. SAS

Decisions Regarding U.S. Export Privileges

In the matter of T. J. Sas & Son, Ltd. and T. R. Sas Victoria House, Vernon Place, Holborn, London WC1B 4DR., England, Docket No. FC–72.

Appearances: Tadeusz R. Sas, The Sas Group of Companies, Victoria House, Vernon Place, Holborn, London WC1B 4DR., England, for Appellant; Wilbert L. Whitsett, Office of General Counsel, DIBA, U.S. Department of Commerce, Washington, D.C. 20230, for Government.

DECISION

The British Company, T. J. Sas & Son, Ltd., and the British citizen, T. R. Sas, appeal the September 8, 1975 denial by the Office of Export Administration of their requests for restoration of U.S. export privileges.[1] By an "Order Denying Export Privileges for an Indefinite Period," dated August 28, 1967 (32 FR 12763–12764, September 6, 1967) (hereinafter referred to as "indefinite denial order") the export privileges of T. J. Sas & Son, Ltd., Mr. T. J. Sas and Mr. T. R. Sas were denied for an indefinite period pursuant to § 388.15 of the Export Administration Regulations, 15 CFR, following their failure to respond adequately to duly issued interrogatories and requests for records and documents. It is agreed that the single issue for decision is whether there has been adequate compliance with the outstanding interrogatories and requested records and documents. We decide that there has been adequate compliance and the indefinite denial order must be vacated.

BACKGROUND

The relevant statute is the Export Administration Act of 1969, 50 U.S.C. App. 2401–2413, as amended (Act), which generally superseded the Export Control Act of 1949, 63 Stat. 7.[2] These statutes provided the executive branch with authority to prohibit or curtail exports from the United States, its territories and possessions for national security and foreign policy reasons.

Through delegated authority[3] export controls are presently administered by the Office of Export Administration of the Bureau of East-West Trade within the Domestic and International Business Administration of the Department of Commerce. That office publishes "Export Administration Regulations"[4] to implement these statutes.

The Regulations generally provide for a licensing system with regard to U.S. exports. Export or reexport of virtually any U.S.-origin commodity or technical data to Cuba requires prior approval of the Department. Such requests are generally denied. Exports to the Union of Soviet Socialist Republics and other Eastern European areas are also under broad controls.

In 1967, the Regulations further provided that the Office of Export Administration, in the course of an investigation into possible violation of the regulations, could apply for an order denying a party all export privileges for an indefinite period because said party failed to answer interrogatories or failed to furnish requested records and documents without showing good cause. A compliance commissioner would review such application and after opportunity for hearing recommend favorable action or deny such application. The Director, Office of Export Control, would act upon any favorable recommendation and issue an indefinite denial order.[5]

The record shows that such procedure was followed with respect to T. J. Sas & Son, Ltd., Mr. T. J. Sas and Mr. T. R. Sas and that on August 28, 1967, the Director, Office of Export Control, issued the indefinite denial order. He specifically found that an investigation was being conducted to determine if T. J. Sas & Son, Ltd. had committed any violations of the U.S. Export Regulations, particularly with regard to whether the commodities in question were exported to, or intended to be exported to, Cuba or any other unauthorized destination. He found it impracticable to subpoena the firm or its officials since their residence was London, England. He further found that Mr. T. J. Sas, as managing director, was the individual primarily responsible for conducting the affairs of the firm. This indefinite denial order was thereafter listed in the Table of Denial and Probation Orders, Supplement No. 1 to Part 388 of the Export Control Regulations, 15 CFR.

Subsequently, the Compliance Division of the Office of Export Control uncovered a number of apparent violations of the Export Control Act and the Export Administration Act, by T. J. Sas & Son, Ltd. and related parties. The following seven British firms were named as related parties to T. J. Sas & Son, Ltd. and added to the indefinite denial order:[6] J. L. Breasley (London) Ltd. (effective December 19, 1967); Electrical Installation & Maintenance Co.; Electrical Stockholder; Elektra Spares (effective March 12, 1971); Research Chemical Service (effective March 24, 1971); Sas Scientific Chemicals, Ltd. (effective August 5, 1971); and Scientific Procurement Company (effective August 26, 1971).

By letter dated January 13, 1970, Mr. T. J. Sas requested the American Embassy in London to remove his name from the Table of Denial and Probation Orders on the basis that he was no longer a director of the firm, T. J. Sas & Son, Ltd.[7] The Office of Export Administration has confirmed that Mr. T. J. Sas was neither asked to supply nor did he supply information responsive to the interrogatories as a condition to his removal from the denial list. The record does indicate that the Office of Export Control satisfied itself as to the severance of Mr. T. J. Sas from control of his old company and also satisfied itself with the statement of Mr. T. J. Sas on March 12, 1970, that he did "not intend to deal in any commodities or products nor with any clients to which you could possibly raise any objections." On June 8, 1970, the Director, Office of Export Control informed Mr. T. J. Sas that predicated on his representations and proffered evidence the basis on which the indefinite denial order was issued no longer existed and his name was removed from the "Table of Denial Orders under the Export Administration Act." The letter closed, "We trust that you will adhere to the requirements of the U.S. export control laws * * *." Finally, Mr. T. J. Sas responded with a gracious letter adding, "I would like to assure you wholeheartedly that I will adhere in every respect to the last paragraph of the captioned letter."

On September 13, 1971, Mr. T. R. Sas requested that his name and that of T. J. Sas & Son, Ltd. be removed from the denial list. The request was denied on November 19, 1971.

On February 20, 1975, Mr. T. R. Sas again requested that his name and that of T. J. Sas & Son, Ltd. be removed from the export indefinite denial order. He acknowledged the company was closely

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[1] The appeal is presented by Mr. T. R. Sas, sales director of the Sas Group of Companies, which is comprised of the following: Sas Investments, Ltd. (a holding company); T. J. Sas and Son, Ltd.; Sas Scientific Chemicals, Ltd.; Sas Developments, Ltd.; Sas R & D Services Ltd. and Sas of America., Ltd. So far as appears in the record, the companies T. J. Sas and Son, Ltd. and T. J. Sas & Son, Ltd. are the same.

[2] Section 13(b) of the Export Administration Act of 1969, 50 U.S.C. App. 2412(b), provides: "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act."

[3] Executive Order No. 11533, June 4, 1970, 35 FR 8799; Executive Order No. 11683, August 29, 1972, 3A CFR 1972 Compilations, p. 202; Department Organization Order No. 10–2, effective November 17, 1975, 40 FR 58876; Department Organization Order No. 46–1, effective November 17, 1975, 40 FR 59761; Department Organization Order No. 46–2, effective November 17, 1975, 40 FR 59761.

[4] 15 CFR Part 368–Part 399.

[5] The current regulations provide for the same procedure in 15 CFR Part 388 except that the titles of the officials and offices involved have changed.

[6] Section 388.1(b) of the Export Regulations provided, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said parties may then or thereafter be related by ownership, control, position or responsibility, affiliation, or other connection in the conduct of trade or related services.

[7] Mr. T. J. Sas was the founder and principal force of T. J. Sas & Son, Ltd. In 1969, because of certain personal difficulties, he was ousted from control of T. J. Sas & Son, Ltd. The company has ever since apparently been controlled and/or operated by his wife Mrs. Z. T. Sas, his son, Mr. T. R. Sas, and others.

involved with shipments of American manufactured goods to Cuba during the late 1960s" but asserted "we no longer trade with the Cuban government in American manufactured goods, and we do not divert or transship American made goods to the Republic of Cuba." He explained the company desired to do business in the United States. He volunteered for an inspector to visit the company's offices to inspect invoices involving the Cuban government but declined to send the records because of their volume.

In April 1975 a meeting was held in the United States between Mr. T. R. Sas and the Office of Export Administration. At the meeting details of appellant's compliance with export regulations were discussed and Mr. Sas presented an alleged Cuban order book which listed dealings by The Sas Group of Companies, through the firm J. L. Breasley (London) Ltd., with Cuba from 1969 to the present. After the meeting the June 27, 1967, interrogatories were answered by appellants by letter dated April 4, 1975. Basically it was admitted that the shipments in question were probably destined for end use by the government of the Republic of Cuba but that due to the passage of time (eight years) no documents were available. Foreign offices were acknowledged in Austria and the Middle East but the Austrian office was claimed to do no direct work and the Middle East office was claimed to be confined to U.K. security products sales. To many of the questions, however, the reply was that due to the passage of time the end user could not be specifically identified. In a supplemental letter of the same date, among other things, the means by which products were acquired for destination to Cuba was explained generally and it was admitted that the indefinite denial order had been ignored.

On September 8, 1975, the Director, Office of Export Administration, denied appellants' request for restoration of U.S. export privileges. He concluded that they failed to respond adequately to the interrogatories or to show good cause for such failure. The lack of records was deemed of their own making. It was noted they persisted in flagrantly violating the Export Administration Regulations. Restoration was only suggested as a possibility if the interrogatories were answered "perhaps from sources other than your own records" and if they could show compliance with export regulations and the indefinite denial order over a substantial period of time.

On October 13, 1975, appellants filed an appeal from the denial. They argued, among other things, that failure to respond adequately to the interrogatories was due to Mr. T. J. Sas leaving T. J. Sas & Sons, Ltd. at which time "certain files, documents and papers were removed or destroyed,"; that the Department presumedly secured the information from Mr. T. J. Sas upon his release from the denial order; that the various Sas companies had changed corporate attitudes and modes and areas of business since Mr. T. J. Sas' departure; that if these companies were granted permission to export, the Department could police their exports whereas now regulation was ineffective. Finally, they stated they could make available information on evading regulations if released from the denial order.

On October 28, 1975, a U.S. importer was granted a letter of exception from the indefinite denial order relating to Mr. T. R. Sas and the Sas companies. The exception was with respect to a product described as the Hunter Remote Operated Robot for Bomb disposal and Reconnaissance and was for the purpose of permititng exportation of defective or excess commodities, parts or pieces ancillary to a normal import trade relationship.

On November 19, 1975, an informal hearing was held in Washington, D.C., at which Mr. T. R. Sas amplified the appeal letter and the Office of Export Administration responded. Mr. Sas explained that about 1969 he and his mother, Mrs. Z. T. Sas, did not agree with the direction "the company" was going although it was of benefit to the United States; that in 1969 they removed the father, Mr. T. J. Sas, from control of the company"; that the direction of "the company" was changed; that "the company" has need to trade with the U.S.A., particularly in the bomb disposal equipment area on more than an exceptional basis; that it has traded with Cuba in U.S. goods but is completing present contracts and not accepting any new ones; that it would undertake not to trade with Cuba after present contracts expire if removed from the indefinite denial order. Counsel for the Government emphasized that the sole issue for decision was whether there had been substantial compliance with the interrogatories so as to warrant vacation of the indefinite denial order.

The hearing member indicated that the Government should attempt to verify any new revelations made by Mr. T. R. Sas and thereafter state whether such verified revelations caused the Office of Export Administration to alter its position. After the hearing, the hearing member propounded additional written questions to Mr. T. R. Sas. By letter dated November 25, 1975, Mr. T. R. Sas responded:

> To the best of my knowledge, and that of the officials of the Sas Group of Companies, there are presently no existing sources, which would provide any further responses to the interrogatories, than the responses I and my companies have already made.

The Office of Export Administration responded on December 5, 1975, that it was unable to verify "to any substantial degree Mr. Sas' recent revelations;" further, "if T. R. Sas' answers to our interrogatories, albeit eight years late, are ultimately considered adequately responsive, the indefinite denial must fall without reservation." Thereupon, the matter was deemed submitted for the Board's decision.

Discussion

Appellant's requests for restoration of U.S. export privileges are governed by the existing statute and implementing regulations.[8] Section 388.15 of the Export Administration Regulations, 15 CFR, provides that an indefinite denial order

> * * * shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons for his failure or refusal to respond.

Further, it provides that such orders may be removed by motions to vacate and that such motions shall conform substantially to that procedure provided for removal of temporary denial orders by §§ 388.11(b)(2) and 388.11(c). Accordingly, Mr. Sas' request for restoration of U.S. export privileges is properly a motion to vacate the indefinite denial order and is so treated.

Section 388.11(c) of the regulations provides that a motion to vacate shall be filed with the Hearing Commissioner who after an oral hearing, if requested, makes his report and recommendation to the Director, Office of Export Administration, who in turn issues his decision. This procedure was properly followed in this instance.

Section 388.13 provides that a respondent may appeal to this Appeals Board, from a "de ial of export privileges" upon the grounds

> (i) that the findings of violation are not supported by any substantial evidence, (ii) that prejudicial error of law was committed, or (iii) that the provisions of the order are arbitrary, capricious, or an abuse of discretion.

It is further provided that the hearing before the Appeals Board is on the record and not a trial de novo and that the Appeals Board "shall not consider facts or argument affecting the merits of the policy embodied in rules or regulations alleged to have been violated."[9]

The thrust of appellants' motion to vacate is that the indefinite denial order, issued for failure to comply with interrogatories or requests to produce evidence, cannot lawfully be maintained. The record is clear in this instance that appellants, albeit eight years late, have provided all the information known to them in response to the interrogatories and requests for documents and have asserted some not completely verified mitigating circumstances for the initial

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[8] While the indefinite denial order was issued in 1967 under the Export Control Act and the regulations thereunder, such order continues in effect under the Export Administration Act and regulations thereunder until amended or revoked. Section 13(b) of the Export Administration Act, 50 U.S.C. App. 2412(b); note 2 supra. The indefinite denial order has not been revoked.

[9] Department Organization Order 20-11, which establishes the Appeals Board directly under the Secretary of Commerce, also provides for consideration of appeals by persons affected by the Export Administration regulations. The order has none of the limitations set forth in the Export Administration regulations, which were not expressly approved by the Secretary of Commerce. In this instance, the result of the appeal would be the same under either authority so that it is unnecessary to consider the conflict.

failure to respond to the interrogatories and requests for documents. Further, Mr. T. R. Sas divulged that most of the transactions under investigation were destined for Cuba. He made available in London the Sas companies' current files for inspection and brought to the Office of Export Administration in Washington, D.C., at least certain relevant parts of those files. Moreover, it appears the Office of Export Administration must be charged with failure to pursue such matter at or subsequent to the time Mr. T. J. Sas individually requested, and was granted, removal from the terms of the indefinite denial order without any condition of complying with the outstanding interrogatories and requests for documents at that time. Mr. T. J. Sas was the managing director of T. J. Sas & Son, Ltd. during the time period covered by the interrogatories and in full charge of the company so that he was the best source for personal recall of the events of the company and may well have had documents with him at that time that would have been responsive to the interrogatories and outstanding requests.

We, therefore, find that Mr. T. R. Sas and T. J. Sas & Son, Ltd. have responded to the interrogatories and requests and have given adequate reasons for failure or refusal to respond within the meaning of § 388.15 of the Export Administration regulations. Consequently, the refusal of the Office of Export Administration to so acknowledge was grounded on insubstantial evidence and was arbitrary, capricious and an abuse of discretion within the meaning of § 388.11(c) of the Export Administration Regulations.[10]

We recognize the acknowledged continual violations of the Export Administration Regulations by appellants. Such violations may, of course, have relevance to the overall Export Administration Act and regulations, thereunder. We wish it clearly understood that the order herein is without prejudice to appropriate future actions, if any, of the Office of Export Administration and similarly without prejudice to any appeals to this Board from such actions. All parties are being expressly advised of this self-evident proposition to avoid any possible misunderstanding of the limited scope of this order.

Nevertheless, such violations do not bar vacation of the indefinite denial order. Under the Export Administration Regulations an indefinite denial order is not used to gain compliance or to punish violation other than for failure timely to answer interrogatories and requests for documents. The appropriate procedure under the regulations is for imposition of specific sanctions following issuance of a charging letter against any person who the Office of Export Administration has reason to believe violated or is violating any law or regulation relating to export administration (§ 388.8). Therefore to the extent failure of compliance was relied upon by the Director, Office of Export Administration, in his September 8, 1975 denial of Sas' motion to vacate, such action constitutes prejudicial error of law.[11]

[10] The same reasoning applies to related parties added to the indefinite denial order who are automatically accorded the same relief as the principal parties. The related parties are subjected to denial status only because their relationship to persons named in the indefinite denial order and not because of any independent order imposed against them. See 15 CFR 387.10(b) (2).

Conclusion

For the foregoing reasons, the motion of Mr. T. R. Sas and T. J. Sas & Son, Ltd. to vacate the "Order Denying Privileges for an Indefinite Period," dated August 28, 1967, as published in the Federal Register on September 16, 1967, (32 FR 12763–12764) is granted without prejudice to appropriate future action, if any, of the Office of Export Administration, and any appeal therefrom to the Appeals Board. The September 8, 1975, decision of the Director, Office of Export Administration in Case No. 485 is reversed. This order shall be published in the Federal Register in accordance with 15 CFR 388.18.

Dated: February 13, 1976.

Robert J. Patton, Jr.,
Vice Chairman,
Hearing Member.

Concurring:

David C. Koch, *Member.*
Calvin Brooks, *Member.*

[FR Doc.76-5279 Filed 2-24-76;8:45 am]

[11] Further, even if consideration of violation of the regulations were an appropriate basis for continuance of an indefinite denial order, we would be constrained to find on this record that the Office of Export Administration impermissibly discriminated in administering the indefinite denial order. When Mr. T. J. Sas in effect moved to vacate the indefinite denial order as to himself, the Office of Export Control only satisfied itself as to his severance from control of the Sas companies and his promise not to violate the regulations in the future. Since Mr. T. J. Sas was still tied to the Sas companies by stockholding and a consultancy agreement, the more important consideration must have been his promise not to violate the Regulations in the future, at least absent other considerations not in the record. Appellants also promised after completion of present contracts not to violate the Regulations. It follows they must be equally trustworthy on this point as Mr. T. J. Sas since appellants acknowledge violating the Regulations during the time period covered by the interrogatories which was also the time period when Mr. T. J. Sas controlled the Sas companies.

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Public Meeting

The Census Advisory Committee on Population Statistics will convene on April 2, 1976 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The agenda for the meeting is: (1) Developments since last meeting; (2) question on religion in the Current Population Survey; (3) staff and public research use of data from sponsored surveys; (4) fertility data for single women; (5) 1980 Census planning including: current status, content of 1980 housing census, follow-on survey, and the monograph program.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Dr. Paul C. Glick, Senior Demographer, Population Division, Bureau of the Census, Room 2011, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763–7030.

Dated: February 19, 1976.

Vincent P. Barabba,
Director, Bureau of the Census.

[FR Doc.76-5298 Filed 2-24-76;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C.

Patent 3,712,221: Blast Shield for Explosive Devices Including Linear Shaped Charges; filed 18 January 1971; patented 23 January 1973; not available NTIS.

Patent 3,718,441: Method for Forming Metal-Filled Ceramics of Near Theoretical Density; filed 18 November 1970; patented 27 February 1973; not available NTIS.

Patent 3,718,869: Microwave Oscillator with Coaxial Leakage Output Coupling; filed 29 March 1971; patented 27 February 1973; not available NTIS.

Patent 3,720,902: Helicopter Sling Load Electrical Adapter; filed 11 August 1971; patented 13 March 1973; not available NTIS.

Patent 3,726,006: Method for Sintering Thick-Film Oxidizable Silk-Screened Circuitry; filed 28 April 1971; patented 10 April 1973; not available NTIS.

Patent 3,726,225: Plastic Bonded Smoke; filed 27 November 1970; patented 10 April 1973; not available NTIS.

Patent 3,726,226; Universal Smoke Marking Grenade for Dry and Inundated Areas; filed 31 August 1971; patented 10 April 1973; not available NTIS.

Patent 3,726,518: Liquid Timing Device; filed 25 June 1971; patented 10 April 1973; not available NTIS.

Patent 3,731,172: Bipolar Servo Amplifier Commutation Circuit Using a Separate Silicon Controlled Rectifier and Isolated Power Supply for Changing a Commutation Capacitor; filed 24 March 1972; patented 1 May 1973; not available NTIS.

Patent 3,731,717: Canteen for Use with a Gas Mask; filed 16 December 1970; patented 8 May 1973; not available NTIS.

Patent 3,732,643: Cartridge Magazine; filed 17 September 1968; patented 15 May 1973; not available NTIS.

Patent 3,732,776: Blank Firing Attachment; filed 17 September 1971; patented 15 May 1973; not available NTIS.

Patent 3,771,504: Fluidic Fuel Injection Device Having Air Modulation; filed 15 May 1972; patented 13 November 1973; not available NTIS.

Patent 3,877,312: Materials Testing System; filed 26 December 1973; patented 15 April 1975; not available NTIS.

U.S. DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent application 590,355: An Antenna with Inherent Filtering Action; filed 25 June 1975; PC $3.25/MF $2.25.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent Application 571,308: Texturing of Polymeric Surfaces of Implant Devices for Tissue Ingrowth; filed 24 April 1975; PC $3.25/MF $2.25.

Patent 3,903,498; Ultrasound Imaging System Utilizing Shaped Acoustic Matching Elements to Increase the Effective Aperture of an Acoustic Transducer; filed 28 February 1974; patented 2 September 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA. 22217.

Patent 3,830,450: Dual Purpose Circulation Control Airfoil; filed 15 December 1972; patented 20 August 1975; not available NTIS.

Patent 3,842,419: Passive Ranging Interferometer System; filed 8 August 1972; patented 15 October 1974; not available NTIS.

Patent 3,860,672: Low Density Resin Composite of High Stiffness; filed 12 April 1974; patented 14 January 1975; not available NTIS.

Patent 3,861,161: Vapor Pressure Regulator; filed 2 November 1973; patented 21 January 1975; not available NTIS.

Patent 3,862,358: Visual Simulation System; filed 21 September 1973; patented 21 January 1975; not available NTIS.

Patent 3,863,026: Helium Speech Decorder; filed 15 August 1973; patented 28 January 1975; not available NTIS.

Patent 3,863,142: Magnetic Fluxmeter; filed 3 September 1971; patented 28 January 1975; not available NTIS.

Patent 3,863,459: Underwater Heat Sink; filed 14 November 1973; patented 4 February 1975; not available NTIS.

Patent 3,864,663: Floating Electrode Holding Apparatus; filed 12 December 1973; patented 4 February 1975; not available NTIS.

Patent 3,866,711: Solid Ultrasonic Lens Doublet; filed 4 June 1973; patented 18 February 1975; not available NTIS.

Patent 3,867,753: Universal Card Extractor Tool; filed 18 March 1974; patented 25 February 1975; not available NTIS.

Patent 3,867,893: Rocket-Thrown Missile; filed 11 February 1960; patented 25 February 1975; not available NTIS.

Patent 3,872,048: Hydraulic and Lubricating Oil Composition; filed 28 September 1970; patented 18 March 1975; not available NTIS.

Patent 3,872,238: 360 Degree Panoramic Television System; filed 11 March 1974; patented 18 March 1975; not available NTIS.

Patent 3,873,145; Cable Grapple; filed 21 February 1974; patented 25 March 1975; not available NTIS.

Patent 3,873,840: Gamma Compensated Pulsed Ionization Chamber Wide Range Neutron/Reactor Power Measurement System; filed 9 November 1973; patented 25 March 1975; not available NTIS.

Patent application 397,514: Fixed Hydrofoil Control Surface; filed 17 September 1973; PC $3.25/MF $2.25.

Patent application 425,380: Light Responsive Bathyirradiometer; filed 17 December 1973; PC $3.25/MF $2.25.

Patent application 436,004: Stable Platform Shipping Container; filed 23 January 1974; PC $3.25/MF $2.25.

Patent application 437,441: A Radial Scanner; filed 28 Jannary 1974; PC $3.25/MF $2.25.

Patent application 448,303: Injection Laser with Integral Modulator; filed 5 March 1974; PC $3.25/MF $2.25.

Patent application 454,655: A Multiple Chromatographic Column System; filed 25 March 1974; PC $3.25/MF $2.25.

Patent application 479,740: Slantback, Compliant Surface Effect Vehicle Skirt; filed 17 June 1974; PC $3.25/MF $2.25.

Patent 3,812,411: Dynamic Braking of a Gas Turbine Powered Ship Propulsion System Utilizing a D.C. Electric Drive; filed 20 February 1973; patented 21 May 1974; not available NTIS.

Patent 3,816,019: Cam Type Air Control Valves; filed 24 August 1972; patented 11 June 1974; not available NTIS.

Patent 3,818,396: Super Stable Superconducting Coil; Filed 9 April 1973; patented 18 June 1974; not available NTIS.

Patent 3,821,530: Method of Reducing Solid Arcing Product Build-up Between Electrical Contacts in Pressurized Fluid Ambients; filed 20 December 1972; patented 28 June 1974; not available NTIS.

Patent 3,826,281: Throttling Ball Valve; filed 29 October 1969; patented 30 July 1974; not available NTIS.

Patent 3,826,544: Trunnion Mounted Marine Thrust Bearing/Vibration Reducer; filed 4 May 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,383: Salvage Method Utilizing Water Emulsified Polyester Resin and Hollow Microspheres; filed 16 July 1971; patented 6 August 1974; not available NTIS.

Patent 3,862,602: Contact Delay and Self-Destruct Circuit; filed 14 May 1970; patented 28 January 1975; not available NTIS.

Patent 3,863,259: Hybrid Phase/Amplitude Monopulse Direction-Finding Receiver; fied 14 December 1973; patented 28 January 1975; not available NTIS.

Patent 3,868,601: Digital Single-Sideband Modulator; filed 18 June 1973; patented 25 February 1975; not available NTIS.

Patent 3,870,577: Process for Making Whisker-Like Crystals of Ammonium Perchlorate; filed 9 October 1970; patented 11 March 1975; not available NTIS.

Patent 3,872,192: Wet Process for Compounding Polymer-Solids Compositions; filed 7 August 1970; patented 18 March 1975; not available NTIS.

Patent 3,872,292: Sonic Means for Detecting Compressor Stall; filed 26 July 1973; patented 18 March 1975; not available NTIS.

Patent 3,873,233: Double Slotted Circulation Control Airfoil; filed 19 February 1974; patented 25 March 1975; not available NTIS.

Patent 3,873,984; Passive Ranging Technique; filed 7 January 1972; patented 25 March 1975; not available NTIS.

Patent 3,875,529: Rotatable Intra-Cavity Polarizer for Gas Lasers (CO_2 in particular); filed 14 September 1972; patented 1 April 1975; not available NTIS.

Patent 3,875,863: Depth Charge; filed 25 June 1971; patented 8 April 1975; not available NTIS.

Patent 3,878,233: Monofunctional Diferrocenyl Compounds; filed 27 March 1972; patented 15 April 1975; not available NTIS.

Patent 3,878,522: Tracking Receiver; filed 7 August 1973; patented 15 April 1975; not available NTIS.

Patent 3,881,127: Bucking Samarium Cobalt Magnets for Crossed Field Devices; filed 1 November 1973; patented 29 April 1975; not available NTIS.

Patent 3,875,336: Periodic Signal Detector; filed 24 January 1974; patented 1 April 1975; not available NTIS.

Patent 3,877,996: Battery Hot Short Control Method and Means; filed 9 May 1973; patented 15 April 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 532,784: Polyimide Adhesives; filed 16 December 1974; PC $3.25/MF $2.25.

Patent application 561,020: Solar Energy Power System; filed 21 March 1975; PC $3.25/MF $2.25.

Patent application 562,992: A Method of Preparing Aromatic Polyimides Having Uniquely Low Softening Temperatures; filed 28 March 1975; PC $3.25/MF $2.25.

Patent application 578,240: Particulate and Solar Radiation Stable Coating for Spacecraft; filed 16 May 1975; PC $3.25/MF $2.25.

Patent application 596,787: Cyclical Bi-Directional Rotary Actuator; filed 17 July 1975; PC $3.25/MF $2.25.

Patent application 596,788: Trielectrode Capacitive Pressure Transducer; filed 17 July 1975; PC $3.25/MF $2.25.

Patent application 598,504: An Improved Fifth Wheel; filed 22 July 1975; PC $3.25/MF $2.25.

Patent application 598,967: Cryostat System for Temperatures on the Order of 2 Deg K or less; filed 24 July 1975; PC $3.25/MF $2.25.

Patent application 599,284: Method and Apparatus for Background Signal Reduction in Opto-Acoustic Absorption Measurement; filed 25 July 1975; PC $3.25/MF $2.25.

Patent application 602,617: Combined Docking and Grasping Device; filed 7 August 1975; PC $3.25/MF $2.25.

Patent application 602,618: Thermal Energy Storage Systems; filed 7 August 1975; PC $3.25/MF $2.25.

Patent 3,004,189: Combination Automatic-Starting Electrical Plasma Torch and Gas Shutoff Valve; patented 10 October 1961; not available NTIS.

Patent 3,375,712: Thrust Measure; patented 2 April 1968; not available NTIS.

Patent 3,380,023: Method of Heat Treating Age-Hardenable Alloys; patented 25 June 1968; not available NTIS.

Patent 3,469,143: Electric Arc Light Source Having Undercut Recessed Anode; patented 23 September 1969; not available NTIS.

Patent 3,603,285: Vapor Deposition Apparatus; patented 7 September 1971; not available NTIS.

Patent 3,895,521: G-Load Measuring and Indicator Apparatus; patented 22 July 1975; not available NTIS.

Patent 3,895,912: Carbon Monoxide Monitor; patented 22 July 1975; Not available NTIS.

[FR Doc.76-5361 Filed 2-24-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent application 587,565: Self-Balancing DC-Substitution Measuring System; filed 17 June 1975; PC $3.25/$2.25.

Patent application 598,909: Fish Egg Incubator; filed 24 July 1975; PC $3.25/MF $2.25.

Patent application 599,270: Portable Tester for Measuring the Static Coefficient of Friction Between a Floor Surface and a Shoe Sole or Heel Material; filed 25 July 1975; PC $3.25/MF $2.25.

Patent application 610,711: Electrochemical Chlorine Flux Monitor; filed 5 September 1975; PC $3.25/MF $2.25.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 598, 124: Angle Rotor Countercurrent Chromatography; filed 22 July 1975; PC $3.25/MF $2.25.

Patent 3,879,280: Gel Slab Electrophoresis Cell and Electrophoresis Apparatus Utilizing Same; 22 April 1975; not available NTIS.

Patent 3,897,326: Protein Coated Electrode; filed 16 August 1974; patented 29 July 1975; not available NTIS.

Patent 3,897,751: Cage for Continuous Infusion; filed 10 July 1974; patented 5 August 1975; not available NTIS.

Patent 3,900,461: Lymphocyte Stroma Adsorbent; filed 22 September 1972; patented 19 August 1975; not available NTIS.

Patent 3,902,358: Apparatus for Evaluating and Testing the Sharpness of Points; filed 6 May 1974; patented 2 September 1975; not available NTIS.

Patent 3,902,459: Mouse Feeding System; Filed 25 April 1974; patented 2 September 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 598,968: Electronic Analog Divider; filed 24 July 1974; PC $3.25/MF $2.25.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 523,182: Termination for Superconducting Power Transmission Systems; filed 12 November 1974; PC $3.75/MF $2.25.

[FR Doc.76-5362 Filed 2-24-76;8:45 am]

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Branch, General Services Division, Federal Bldg., Agriculture Research Service, Hyattsville, Md. 20782.

Patent 3,872,935: Apparatus and Method for Obtaining Undisturbed Soil Core Samples; filed 30 April 1974; patented 25 March 1975; not available NTIS.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 52170: Underground Gasification of Coal; filed 8 November 1974; PC $3.25/MF $2.25.

Patent 3,863,669: Liquid Nitrogen Level Controller; filed 31 July 1973 patented 4 February 1975; not available NTIS.

Patent 3,870,099: Seal Assembly; filed 19 May 1972; patented 11 March 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent 3,886,132: Human Parathyroid Hormone; filed 10 December 1973; patented 27 May 1975; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 493,295: Load Measuring Gage; filed 31 July 1974; PC $3.25/MF $2.25.

Patent application 518,132: Metallothermic Reduction of Ores; filed 25 October, 1974; PC $3.25/MF $2.25.

Patent application: 529,783: Prevention of Surface Cracking Due to Formation of Copper Alloys of Tin and Antimony During Reheating of Steel; filed 5 December, 1974; PC $3.25 MF $2.25.

Patent application 531,404: Active Impedance Multiplier; filed 10 December, 1974; PC $3.25/MF $2.25.

Patent application 534,329: Preparation of Rare Earth Activated Phosphors; filed 19 December, 1974; PC $3.25/MF $2.25.

Patent application 539,469: Quaternary Fluxes for Electroslag Remelting of Ferrous Alloys and Superalloys; filed 8 January, 1975; PC $3.25/MF $2.25.

Patent application 541,447: Reversee Osmosis Membrane; filed 16 January, 1975; PC $3.25/MF $2.25.

Patent application 543,208: Decomposition of Chalcopyrite; filed 23 January, 1975; PC $3.25/MF $2.25.

Patent application 546,641: Controlled Yielding Rock Bolt; filed 3 February, 1975; PC $3.25/MF $2.25.

Patent application 547,276: Active Negative Sequence Cable Monitor; filed 2 February, 1975; PC $3.25/MF $2.25.

Patent application 549,126: Flexible Helical Rock Bolt; filed 11 February, 1975; PC $3.25 /MF $2.25.

Patent application 549,127: Method of Removing Polynuclear Aromatic Compounds by Adsorption with Coconut Charcoal; filed 11 February, 1975; PC $3.25/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 590,975: Solar Pond; filed 27 June, 1976; PC $3.25/MF $2.25.

Patent application 592,159: Instrumentation for Measuring Aircraft Noise and Sonic Boom; filed 1 July, 1975; PC $3.25/MF $2.25.

Patent 3,206,897: Folding Structure Fabricated of Rigid Panels; patented 21 September, 1965; not available NTIS.

Patent 3,884,432: High Lift Aircraft; patented 20 May, 1975; not available NTIS.

Patent 3,888,561: Real Time, Large Volume, Moving Scene Holographic Camera System; patented 10 June, 1975; Not available NTIS.

Patent 3,891,452: Refractory Porcelain Enamel Passive Control Coating for High Temperature Alloys; patented 24 June, 1975; not available NTIS.

Patent 3,893,573: Variable Ratio Mixed-Mode Bilateral Master-Slave Control System for Shuttle Remote Manipulator System; patented 8 July, 1975; not available NTIS.

Patent 3,894,289; High Power Laser Apparatus and System; patented 8 July, 1975; not available NTIS.

[FR Doc.76-5363 Filed 2-24-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 496,591: Load Measuring Cage; filed 12 August, 1974; PC $3.25/MF $2.25.

Patent application 522,829: Catalysts and Adsorbents Having High Surface Area to Weight Ratios; filed 11 November 1974; PC $3.25/MF $2.25.

Patent application 524,173: Removal of Trace Copper Ions from Water; 15 November 1974; PC $3.25/MF $2.25.

Patent application 538,227: Process for Recovery of Non-Ferrous Metals from Oxide Ores and Concentrates; filed 2 January 1975; PC $3.75/MF $2.25.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2; Washington, D.C. 20546.

Patent application 591,568: Optical Noise Suppression Device and Method; filed 30 June 1975; PC $3.25/MF $2.25.

Patent application: 598,969: Low Cost Solar Energy Collection System; filed 24 July 1975; PC $4.25/MF $2.25.

Patent 3,894,677: Method of Preparing Graphite Reinforced Aluminum Composite; patented 15 July 1975; not available NTIS.

[FR Doc.76-5364 Filed 2-24-76;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0316]

WHOLE BLOOD AND RED BLOOD CELLS

Definition for "Paid" and "Volunteer" Blood Donors; Request for Data and Information

Correction

In FR Doc. 76-3136 appearing on page 4955 in the issue for Tuesday, February 3, 1976, in the second full paragraph of the 3rd column, the 9th line should read "to submit data and information relating to the types of compensations provided * * *"

National Institutes of Health

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, March 17-18, 1976, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, MD. This meeting will be open to the public from 9:00 a.m. to 12:00 Noon on March 17, for completing the revision of the format for annual progress reports for Institutes and Centers, and for revising the format for applications for competing continuations. The meeting will be closed to the public from 1:00 p.m. to 5:00 p.m. on March 17, and from 9:00 a.m. to adjournment on March 18, to review grant applications in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, MD 20014 (phone 301-496-7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health)

Dated: February 23, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-5469 Filed 2-24-76;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Immunology Subcommittee of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, March 17, 1976, in Building 31, Conference Room 7A24, Bethesda, Maryland.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 p.m. until adjournment, for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involve solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496-5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: February 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-5468 Filed 2-24-76;8:45 am]

HIGH BLOOD PRESSURE WORKING GROUP

Open Meeting

Notice is hereby given of a meeting of the High Blood Pressure Working Group sponsored by the Division of Heart and Vascular Diseases, National Heart and Lung Institute on March 15, 1976, Building 31, "C" Wing, National Institutes of Health, Bethesda, Maryland, conference room 9.

This meeting will be open to the public on March 15, 1976 from 8:30 a.m. to 5:00 p.m. to discuss the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Graham W. Ward, Program Coordinator, National High Blood Pressure Education Program, Room 1005, Landow Building, NIH, 9000 Rockville Pike, Bethesda, Maryland, 20014, (301) 496-2311 will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: February 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-5467 Filed 2-24-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to P.L. 92-463, that the Interagency Committee and Research Committee of the National Advisory Council on Vocational Education will hold a combined meeting on March 18, 1976 from 9:00 a.m. to 5:00 p.m., Eastern Standard Time, and on March 19, 1976 from 9:00 a.m. to 5:00 p.m., Eastern Standard Time, at Agostino's Restaurant, 1801 Connecticut Avenue SW., Washington, D.C.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

National Bicentennial Conference on Vocational Education, Spring NACVE/SACVE Joint Meeting, Vocational Education Legislation, Post-secondary Vocational Education, Final Report of the School-to-Work Project, Report on the Articulation Survey, CETA Study Progress Report, Sex-Role Stereotyping Progress Report.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425 13th St. NW., Washington, D.C. 20004.

Signed at Washington, D.C., on February 17, 1976.

REGINALD E. PETTY,
Executive Director.

[FR Doc.76-5303;Filed 2-24-76;8:45 a.m.]

Social Security Administration

DEPUTY COMMISSION OF SOCIAL SECURITY, ET AL.

Delegations of Authority To Negotiate, Execute, Modify and Administer Agreements With States Under Section 5 of Pub. L. 93-368

Correction

In FR Doc. 76-4131, appearing at page 6308 in the issue of Thursday, February 12, 1976, on page 6309, column one, paragraph 2 under CONDITIONS, in the second line insert the word "unusual" after the word "involving" so that the corrected line reads "meats involving unusual sensitivities or major policy".

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Thursday, April 1, 1976, from 8:00 a.m. to 6:00 p.m. and on Friday, April 2, 1976, from 8:30 a.m. to 5:00 p.m., at 2201 C street NW., Washington, D.C. in room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: February 19, 1976.

SIDNEY D. ANDERSON,
Advisory Committee, Management Officer.

[FR Doc.76-5313 Filed 2-24-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Order 76-2-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific Air Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1976.

By Order 75-12-55 dated December 12, 1975, the Board ordered the United States air carrier members of the International Air Transport Association (IATA) to submit justification in support of the above agreements which establish air fares over the North/Central Pacific for the period ending March 31, 1976.[1] Northwest Airlines, Inc. (Northwest), although not a member of IATA, was also ordered to file similar data.

In essence, the agreements readopt, with a 3 percent general increase, presently effective North/Central Pacific fares which, in turn, generally reflect the IATA structure in effect prior to April 1, 1975.[2] In addition, the agreements incorporate the present non-IATA 30/120-day excursion fares from U.S. points to most major Asian destinations at levels $20 to $49 above those now in effect, incorporate and increase by 3 percent present group 30/40 GIT fares specified in yen from Japan to United States destinations likewise established outside of IATA but by intercarrier agreement and previously approved by the Board;[3] and amend present rules governing group 10 GIT fares to permit individual return travel from the last stopover point in Asia.

Pan American World Airways, Inc. (Pan American), the only U.S. IATA member carrier providing passenger service over the North/Central Pacific, has submitted justification in response to our order and, in addition, specifically addresses, as requested, several outstanding questions of fare structure in the Pacific market, *i.e.*, continuation of a number of promotional fares at discounts in excess of 50 percent, the relatively high yields from Alaska-Far East fares compared with fares to/from other United States gateways, and the rationale behind the open-return provision proposed for the group 10 GIT fares.

[1] Previous agreements attempting to close fares in this area (outlined in procedural Order 75-10-9, October 1, 1975) were declared void by IATA in a transmittal to the Board dated October 28, 1975.

[2] Order 75-3-100, dated March 26, 1975, acted upon an IATA-proposed North/Central Pacific fare structure for effect April 1, 1975. In that order, the Board, *inter alia*, disapproved al North/Central Pacific normal economy fares to/from U.S. points, all promotional fares to/from Alaska points and a 3 percent curency surcharge on sales for U.S.-originating travel.

[3] Order 75-9-106, September 29, 1975, approved the replacement of Contract Bulk Inclusive Tour fares from Japan with GIT fares for minimum size groups of 40 to Hawaii and 30 to Alaska and the continental United States.

Northwest, by a letter dated January 5, 1976, acknowledges the Board's directive, but indicates that it intends to take no action in response to the IATA agreements. While it does provide various comments on the agreements, none of the economic data directed by the Board have been supplied. Comments in support of the agreements have been received from Japan Air Lines Company Ltd., and comments in opposition have been filed on behalf of Trans International Airlines, Inc. (TIA) and World Airways, Inc. (World).

In view of the very short time frame involved we have decided to proceed with disposition of the agreements before us despite Northwest's failure to comply with the Board's order. Since Northwest is no longer a member of IATA it is, of course, under no obligation, *per se*, to justify IATA agreements. However, a full economic picture of the area under consideration is necessary if the Board is to be in a position to make a meaningful evaluation in its disposition of the agreements. The fact that Northwest is not satisfied wtih the agreements and apparently does not intend to join in their implementation does not alter this fact. In the future, we will expect Northwest to comply with the Board's orders, whether or not it intends to follow the IATA carriers.

Pan American Alleges that the instant agreements are based on the need to improve overall revenues and profitability on the North/Central Pacific route in view of escalation in all categories of cost including fuel, and the fact that fares on these routes have not been increased in more than a year despite substantial cost increases during this period.[4] Pan American estimates that the agreement would provide $700,000 in additional revenue and raise their return on investment for calendar year 1976 to 5.2 percent compared with 5.0 percent if existing fares were continued.

With respect to the three specific questions the Board directed be addressed, Pan American states that the number of promotional fares reflecting discounts in excess of 50 percent is relatively insignificant considering the large number of fares available and the distribution of traffic by fare type. Pan American suggests that, in the context of the need to achieve closed fares over the North/Central Pacific, neither this matter nor the question of the level of Alaska-Far East fares could be addressed, and that Pan American intends that these issues be addressed in the forthcoming IATA negotiations dealing with fares for April 1, 1976 effectiveness.

With reference to the individual-return provision on the group inclusive tour fare, Pan American alleges that, while it is not a strong proponent, it believes that the Board should take a realistic and pragmatic rather than theoretical approach. Pan American alleges that it was the lack of prompt enforcement action (action not yet taken) which led them to file the open return in July 1975. Since that time, their tariff has been matched by other IATA carriers as well as some non-IATA carriers. If this tariff provision had not been included in the instant agreements or if it should be disapproved by the Civil Aeronautics Board, it will be necessary for Pan American and other carriers to make appropriate filings under IATA provisions for meeting non-IATA competition. Japan Air Lines generally concurs with Pan American's comments, further stating that the proposed general increase is fully justified on the basis of fuel-price escalation alone.

Northwest states that it is no more immune to rising costs than is any other carrier. However, it points to the fact that IATA discussions to arrive at a fare structure for effect from April 1, 1976, will take place without knowledge of the outcome of the instant proposal and that, since the expiration of this proposal is March 31, 1976 and taking into consideration the time needed for government review, the fares would be in effect for only 6–8 weeks. Northwest specifically contests the lack of any attempt to improve yields through routing controls. For these reasons, Northwest considers the instant agreements unwise and believes the best course for the Board to follow would be deferral of action.

In opposition to the agreements, TIA and World allege that certain of the proposed fares are set at levels below cost and represent predatory competition for bulk passenger traffic; that in maintaining discounts in excess of 50 percent the fares are contrary to stated Board policy; that no economic justification has been submitted for the proposed predatory discount fares; and that the 30/120-day excursion fares, originally filed by Pan American, were opposed by the IATA carriers and the arguments advanced in support of these fares (meeting competition) do not justify their existence. These carriers also contend that no valid basis has been offered for the elimination of the travel-together requirement on the return portion of GIT trips and that the affinity group 100 fares represent uneconomic and unfair competition for charter traffic. Finally, TIA and World argue that the Board should impose reporting requirements for the North/Central Pacific similar to those now required to be filed for the North Atlantic, and request that the Board disapprove those portions of the agreements which perpetuate or worsen the discriminatory and uneconomic features of the passenger-fare structure in this area.

After full consideration of the comments submitted by all of the parties, we have concluded to approve the agreements with the two exceptions discussed below. Both Northwest and the objecting carriers, TIA and World, raise significant issues which are known to have been of concern to the Board, particularly the lack of routing controls and the economic viability of the low promotional fares. The overall fare package is not, in fact, wholly consonant with the Board's policy statement.

On the other hand, the agreements apply only for a relatively short interim period and failure to approve the basic elements of the package would deprive the IATA carriers of needed revenue improvement to cover cost increases which have occurred during the period of more than one year in which North/Central Pacific fares have been open. Pan American forecasts a rate of return of 5.01 percent for the year 1976 at continuation of present fares. With the proposed fares, Pan American forecasts a slight increase to 5.21 percent. Adjustment to exclude Pan American's elasticity factor indicates that under the proposed fares the carrier would earn a return between 6 and 7 percent, still far short of the Board's standards.[5] Whether or not Northwest decides to increase its fares in line with these agreements is not at issue here, since we must nevertheless dispose of the agreements before us. However, we would note that Northwest's return on investment in North/Central Pacific operations is also below the Board's standard.

Disapproval of the long-term excursion (30–120 day) and group affinity fares, as TIA and World request, would not as a practical matter solve these carriers' problems. The fares are already in effect and disapproval would, therefore, serve only to continue their present lower levels. While the Board does have suspension authority and can, subject to Presidential approval, order the long-term excursion fares canceled from the carriers' tariffs, the fare situation in this area is currently in a very unstable competitive condition and is the subject of an extensive grand jury investigation in San Francisco. In any event, the fares are to be increased somewhat *vis-a-vis* charter rates and, as indicated above, the agreement expires March 31, 1976.

Nevertheless, our interim approval of these fares should not be construed as acceptance of their economic soundness. The Board has permitted these promotional fares to come into existence and will permit their continued existence until March 31, 1976.[6] However, the Board will require all fares in any new structure negotiated for application after April 1, 1976 to be fully and specifically justified. At that time, TIA and World

[4] The last fare increase went into effect November 1, 1974 and an agreement which would have further increased fares on April 1, 1975, was not implemented due to Board disapproval.

[5] Pan American typically employs an elasticity factor in its forecasts which in this case results in additional revenues of $700,000, despite the fact that a three percent increase applied to total revenues would produce an improvement of $7 million. While we realize that certain types of passenger traffic (military and military contract) would not receive the 3 percent increase, we question use of an elasticity factor which produces such a wide disparity.

[6] In view of our action herein, we shall dismiss various complaints previously filed against long-term excursion fares when they were first initiated by Pan American.

will again have full opportunity to comment on the economics of the fares.[7]

We turn now to the two aspects of the agreement which the Board is unable to approve—namely fares proposed to/from Alaska and the open return of GIT fare passengers. In Order 75-3-100, dated March 26, 1975, the Board concluded that approval of the proposed Alaska-Far East fares was not warranted in view of the disparity in yield between these fares and those to/from other U.S. gateways. Despite this disapproval and subsequent notices to the carriers that a continuation of this anomaly would not be approved in the future, the instant agreement does nothing to correct the disparity. Notwithstanding the interim nature of the agreement, we are not now persuaded to the contrary. We expect the carriers to resolve the matter in connection with the pattern of fares to be negotiated for April 1, 1976 effectiveness.

It appears that no carrier affirmatively favors the open return proposed on the group inclusive tour fares. Pan American argues that, because the open return is now included in various carriers' tariffs, disapproval of the IATA agreement would not alter non-IATA carrier tariffs and that the IATA carriers, in turn, would have to file this condition to meet non-IATA competition. However, it was Pan American which initiated the individual return feature, which was, for obvious reasons, matched by other carriers. In the Board's opinion, these circumstances do not argue in favor of approving such a provision, which has the effect of eroding the economics of the fare, as part of an IATA agreement.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25549:			
R-1	001	Expedited North and Central Pacific, Special Effectiveness Resolution (Tie-In).	3/1
R-3	002g	Expedited JT31 North and Central Pacific, Special Rules for Sales of Passenger Air Transportation.	3/1
R-4	070pp	Expedited North and Central Pacific, 120 Day Excursion Fares (New)	3/1
25571	070pp	Expedited North and Central Pacific, 120 Day Excursion Fares (Amending).	3/1

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25549 as indicated, are adverse to the public interest or in violation of the Act to the extent they would establish fares other than between points in Alaska and points in Traffic Conference 3, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25549:			
R-2	002d	Expedited Special Readoption Resolution (JT31 North and Central Pacific).	3/1
R-6	084t	Expedited North and Central Pacific Group, Inclusive Tour Fares from Japan (New).	3/1

3. It is found that the following resolutions, incorporated in Agreement C.A.B. 25549 as indicated, are adverse to the public interest and in violation of the Act to the extent they would establish fares between points in Alaska and points in Traffic Conference 3:

Agreement CAB	IATA No.	Title	Application
25549:			
R-2	002d	Expedited Special Readoption Resolution (JT31 North and Central Pacific).	3/1
R-6	084t	Expedited North and Central Pacific, Group Inclusive Tour Fares from Japan (New).	3/1

4. It is found that the following resolution, incorporated in Agreement C.A.B. 25549 as indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25549:			
R-5	084b	Expedited North and Central Pacific, Group Inclusive Tour Fares (Readopting and Amending).	3/1

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 25549 and C.A.B. 25571 as set forth in finding paragraphs 1 and 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Tariffs implementing those portions of Agreements C.A.B. 25549 and C.A.B. 25571 as set forth in finding paragraphs 1 and 2 above may be filed on not less than one day's notice for effectiveness not earlier than February 15, 1976. The authority in this paragraph expires March 14, 1976;

3. Those portions of Agreement C.A.B. 25549 as set forth in finding paragraphs 3 and 4 above, be and hereby are disapproved;

4. Except to the extent granted herein, the complaints of Korean Air Lines Co., Ltd., Air Siam Air Co., Ltd. and Japan Air Lines Co., Ltd. in Dockets 28152, 28160, and 28182 as well as the complaint of Trans International Airlines, Inc. in Docket 28157 be and hereby are dismissed; and

5. Copies of this order be served upon Air Siam Air Co., Ltd., China Airlines, Ltd., Japan Air Lines Co., Ltd., Korean Air Lines Co., Ltd., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,*
Secretary.

[FR Doc. 76-5358 Filed 2-24-76;8:45 am]

[Docket No. 28904; Order 76-2-72]

WTC AIR FREIGHT

Nonacceptance of Furs, on Racks or Hangers; Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1976.

By tariff revisions[1] issued January 23 and marked to become effective February 22, 1976, WTC Air Freight (WTC), an air freight forwarder, proposes to add furs, on racks or hangers, to its list of shipments not acceptable for air transportation. In support of its proposal, WTC asserts, *inter alia*, that it is adding this commodity to the list of shipments not acceptable because of its high risk of theft and susceptibility to damage.

Upon consideration of all relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that it should be suspended pending investigation.

[7] In this connection, we are not convinced of the need at this time to require ongoing reporting of traffic data over the North/Central Pacific route. However, we do anticipate ordering the two U.S. carriers to provide traffic by fare category, both historical and forecast, under present and proposed fare levels in connection with the April 1, 1976 IATA package.

* Minnetti and West, members, joint concurrence and dissenting statement filed as part of the original document.

[1] Revisions to Rule 30, Tariff C.A.B. No. 3 issued by WTC Air Freight.

The proposed nonacceptance of furs would result in a significant reduction in the forwarder's common-carrier responsibilities to provide service. The Board has traditionally suspended, on this ground, proposals by both direct and indirect carriers to refuse acceptance of certain commodities.[2] It should be noted, furthermore, that although the forwarder refers to high risk of loss and susceptibility to damage as warranting nonacceptance of this commodity, it does not provide any factual data in support of this contention.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404 and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 30 relating to the nonacceptance of shipments of Furs, on racks or hangers on 4th Revised Page 6 of WTC Air Freight's C.A.B. No. 3, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions which read "Furs, on racks or hangers," in Rule No. 30 on 4th Revised Page 6 of WTC Air Freight's C.A.B. No. 3 are suspended and their use deferred to and including May 21, 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;

3. The proceeding herein designated Docket 28904, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon WTC Air Freight, which is hereby made a party to Docket 28904.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-5357 Filed 2-24-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF CONTRACT MARKETS

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on March 11, 1976 at the Water Tower Hyatt House, 800 North Michigan Avenue, Chicago, Illinois, in the Cotillion Room, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commision on the following subjects:

(1) Economic functions of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;

(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;

(iii) Appropriate standards to be utilized by the Commision under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and

(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limts under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:

(i) Proliferation of contracts;

(ii) Commercial viability of contracts (including delivery points); and

(iii) Trading potential (new and inactive contracts).

The summarized agenda for the meeting is as follows:

1. Economic standards for Delivery Points.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of that statement to Margaret Harrison, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Mrs. Harrison, telephone (202) 254-8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the Committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Dated: February 20, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-5329 Filed 2-24-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 101(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amendel, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period January 1, 1976 and January 15, 1976.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classificaion of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

[2] See Board Orders 75-11-118, 75-2-31, 74-12-86, 74-4-156, 72-11-112, 72-11-10, and 72-8-55. These involve, among other things, live animals, watches, and shipments with a declared value in excess of $.50 per pound or $50, whichever is greater.

Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: February 12, 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Jan. 1, and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-J65031-MT	Big Swede-Pipe Planning Unit, Kootenai National Forest, Mont.	ER-2	I
D-AFS-L61054-AK	Tongass National Forest, Long Island Unit Management Plan, Alaska.	ER-1	K
D-AFS-L65015-AK	Alaska Lumber and Pulp Timber Sale 1976-81, Operating Period, Tongass National Forest, Alaska.	LO-2	K
D-SCS-K36015-CA	Carpinteria Valley Watershed Project, Santa Barbara County, Calif.	ER-2	J
D-DOA-A99109-00	Agriculture Conservation Program	LO-2	A
Corps of Engineers:			
D-COE-D32005-MD	Cambridge Harbor, Channel and Turning Basins, Dorchester County, Md.	LO-1	D
D-COE-E30004-FL	Beach Erosion Control and Hurricane Protection, Panama City Beaches, Fla.	LO-2	E
D-COE-E32013-00	Operation and Maintenance of the Apalachicola, Chattahoochee, and Flint Rivers, Ala., Fla., and Ga.	LO-2	E
D-COE-E32015-SC	Murrells Inlet Navigation Project, Georgetown County, S.C.	LO-2	E
DS-COE-F36031-OH	Chagrin River, Eastlake, Flood Control and Navigation, Lake County, Ohio.	ER-2	F
D-COE-F39002-IN	Clark Maritime Centre, Jeffersonville, Clark County, Ind.	3	F
D-COE-K80003-CA	Redwood Shores Regional Shopping Center, regulatory permit application, Redwood City, San Mateo County, Calif.	ER-2	
D-COE-L36028-OR	Cheteo River Jetty Extension, Brookings, Oreg.	LO-1	K
Department of Defense:			
D-USA-G60002-TX	Land Acquisition, Fort Hood, Coryell County, Tex.	LO-1	G
Federal Energy Administration:			
LD-FEA-A00039-00	Natural Gas Emergency Standby Act of 1975	ER-2	A
Federal Power Commission:			
D-FPC-H07002-NB	Gerald Gentleman Power Station, Project No. 1835, Lincoln County, Nebr.	3	H
General Services Administration:			
D-GSA-F81002-IL	Federal Building, U.S. Courthouse and Parking facility, East St. Louis, Ill.	LO-2	F
Department of Housing and Urban Development:			
D-HUD-D89017-WV	Central City Urban Renewal Project, Parkersburg, Wood County, W. Va.	ER-2	D
D-HUD-E28006-AL	Daviston New Site, Alabama Water Project, Tallapoosa County, Ala.	LO-1	E
D-HUD-E85008-FL	Lakes of Acadia Subdivision, Planned Unit Development, Dade County, Fla.	LO-2	E
D-HUD-E85009-FL	Cannongate Subdivision, Planned Unit Development, Palm Beach County, Fla.	LO-2	E
D-HUD-J85002-CO	Seven Lakes, Aurora, Seven Hills, Arapahoe County, Colo.	EU-2	I
D-HUD-K89001-HI	Beretania and Smith Streets Parking Facility (CDBG), Honolulu County, Hawaii.	3	J
Department of Transportation:			
D-CGD-L34004-WA	West Coast/Gulf of Alaska Loran-C Chain, Moses Lake, Grant County, Washington.	LO-1	K
D-FAA-L51004-OR	North Bend Municipal Airport Development, North Bend, Oreg.	LO-2	K
D-FHW-B40011-MA	Salem-Peabody Connector, Salem-Beverly Bridge and Bridge Street Bypass, Task B, Essex County, Mass.	ER-2	B
D-FHW-C40017-NJ	I-287, U.S. 202, Montville to New York State Line, Bergen, Morris, and Passaic Counties, N.J.	ER-2	C
D-FHW-E40065-00	Big Sandy River, Proposed Bridge Replacement Project, U.S. 60, Boyd County, Ky., and Wayne County, W. Va.	LO-2	E
D-FHW-F40040-IN	I-164, Vanderburgh County, Ind.	LO-2	F
D-FHW-F40044-IN	IN-182, Improved Connection, I-69 and East Bypass of Muncie, Ind.	LO-2	F
D-FHW-K40032-CA	Paramount Boulevard, Beverly to Olympic, Los Angeles County, Calif.	ER-2	J
D-FHW-K40033-HI	Improvement to Kalanianaole Highway, Ainakoa Ave. to Hawaii Kai Dr., Hawaii.	LO-2	J
D-UMT-B54000-MA	South Quincy Area Transit Station and Related Highway and Parking Facilities, South Quincy, Suffolk County, Mass.	LO-1	B
D-UMT-D54001-DC	Bicentennial Transportation Plan, Washington, D.C.	ER-1	D

APPENDIX II—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Jan. 1, and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-K65007-CA	Timber Management Plan, Plumas National Forest, Plumas, Butte, Lassen, Sierra, and Yuba Counties, Calif.	EPA generally had no objections to the proposed project. However, EPA raised concerns with the EIS's lack of: (1) Forest Service monitoring of environmental safeguards; (2) alternatives to slash burning; (3) discussion about use of logging roads for recreational use; (4) discussion of options for 3 roadless areas; and (5) narrative water quality standards.	J
F-SCS-F36024-MI	East Upper Maple River Watershed, Clinton, Schiawassee, and Gratiot Counties, Mich.	EPA generally had no objections to the project as proposed.	F
Corps of Engineers:			
F-COE-C08001-NY	Proposed Con Edison-Lilco's Power Transmission Cable, Long Island, Hempstead Harbor, NY.	do	C
F-COE-C36012-NY	Operation and Maintenance, Dunkirk Harbor, Chautauqua County, N.Y.	do	C
Federal Power Commission:			
F-FPC-K05003-CA	Helms Project No. 2735, Fresno and Madera Counties, Calif.	EPA generally had no objections to the proposed project. However, EPA requested the opportunity to review the additional information on the status of the sampling and analysis upon its availability.	J
Department of Housing and Urban Development:			
F-HUD-J85000-CO	Hutchinson's Green Mountain Village, Lakewood, Colo.	EPA continues to have environmental reservations on the proposed project concerning the water and air quality impacts. Also, EPA believes an increase in raw sewage being discharged to the South Platte River is inconsistent with the NPDES permit issued to the city and county of Denver. EPA also suggested that HUD evaluate the cumulative impacts of this project and the other proposed projects in the Denver area.	I
Department of the Interior:			
F-NPS-A61236-CA	Master Plan, Pinnacles National Monument, Monterey County, Calif.	EPA generally had no objections to the project as proposed.	J
Department of Transportation:			
F-FHW-A42214-WV	Appalachian Corridor "L," Cranberry to Bradley, Raleigh County, W. Va.	do	D
F-FHW-F40014-IL	IL-474, IL-74 west of Peoria to IL-74 northwest of Morton, Peoria, and Tazewell Counties, Ill.	do	F

Identifying No.	Title	General nature of comments	Source for copies of comments
Nuclear Regulatory Commission:			
F-AEC-A06130-NY	Seabrook Station, Units 1 and 2, Public Service Co. of New Hampshire, Docket Nos. 50-433 and 50-444, Rockingham County, N.H.	EPA's comments indicated that the final statement did not contain sufficient biological information. However, due to the additional information made available through EPA's NPDES permit process the agency was able to make a determination (Oct. 24, 1975) pursuant to 316(a) of the FWPCA, that once-through cooling is acceptable at Seabrook. EPA required under sec. 316(b) that the intake structure should have 3 parts and be located approximately 3,000 ft northeast of Outer Sunk Rocks. This is the only significant change from the plant design described in the final statement. These specifications have been appealed and final determinations await the appeal process.	A

APPENDIX IV.—*Final environmental impact statements which were received and not commented on between Jan. 1, 1976 and Jan. 15, 1976*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-L61032-AK	Tongass National Forest, Honker Divide, Unit Management Plan, Alaska.	K
F-AFS-L65008-AK	Tongass National Forest, Proposed Basket Bay No. 2, Timber Sale, Alaska.	K
F-SCS-E36012-NC	Country Line Creek Watershed, Caswell and Rockingham Counties, N.C.	E
F-SCS-G36008-AR	Ozan Creeks Watershed, Homestead County, Arkansas (USDA-SCS-EIS-WS-(ADM)-75-1(F)-AR).	G
F-SCS-G36013-NM	Cottonwood-Walnut Creek Watershed, Chaves and Eddy Counties, N. Mex.	G
Corps of Engineers:		
F-COE-D35006-VA	Maintenance Dredging of Wishart Point, Va.	D
Department of Defense:		
F-USN-L02001-AK	Continuing Exploration and Evaluation of NPR-4, Zone A, Alaska.	K
Federal Power Commission:		
F-FPC-A03057-OO	Trunkline Gas Co., Docket No. RP71-100, Natural Gas Curtailment Plan.	A
F-FPC-E09002-OO	Southern Natural Gas Co., Natural Gas Curtailment Plan, Docket No. RP74-6.	A
Department of Housing and Urban Development:		
F-HUD-A86085-00	Application of Modular Integrated Utility Systems Technology (MIUS) Generic Eis.	A
F-HUD-B89002-MA	Murray Industrial Park Project, Chelsea, Suffolk County, Mass.	B
F-HUD-G85007-TX	Park Central Project, Port Arthur, Jefferson County, Tex.	G
Department of the Interior:		
F-BOR-A61272-00	The North Country Trail, Vt., Pa., N.Y., Ohio, Mich., Wis., Minn. and N. Dak.	A
Department of Transportation:		
F-CGD-L31002-AK	Gulf of Alaska Loran-C Covering the Sites at Tok Shoal Cove and Narrow Cape, Alaska.	K
F-DOT-A40975-TX	TX-19 from FM 1507 in Paris, South to junction TX-19 and TX-24, Lamar and Delta Counties, Tex.	G
F-FHW-A42106-TN	I-640 Knox County, Tenn.	E
F-FHW-L40012-OR	Head Road—Airport Road, Section Biddle Road, Jackson County, Oreg.	K
F-FHW-L40023-OR	Skipanon River Birdge, Section Warrenton-Astoria Highway, Clatsop County, Oreg.	K

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Jan. 1, and 15, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
SECURITIES AND EXCHANGE COMMISSION:			
R-SEC-A86094-00	17 CFR Pts. 239, 240, and 249, Environmental and Social Disclosure, Notice of Commission conclusions and Rulemaking Proposals.	The proposed rulemaking appeared to address compliance reporting requirements under Federal law. The EPA commented on the need to define the relationship of State and local environmental control laws and reporting requirements with the compliance reporting system in the proposed rulemaking, utilizing the Clear Air Act as an example.	A

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98107.

[FR Doc.76-5265 Filed 2-24-76;8:45 am]

[FRL 494-5; OPP-240006]

STATES OF FLORIDA, KANSAS, MARYLAND, AND PENNSYLVANIA

Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesti-

cides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the In terim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and public notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s) from the States of Florida, Kansas, Maryland, and Pennsylvania. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Florida, Kansas, Maryland and Pennsylvania as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

FLORIDA

The Florida Request for Interim Certification sought authority to amend EPA registrations which do not involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations. It is noted that authority was not requested to register antimicrobial agents (see 40 CFR 162.3(ff)(1)), fungicides, other than agricultural-use fungicides (see 40 CFR 162.3 (ff)(8)), or slimicides (see 40 CFR 162.3(ff)(16)). The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

KANSAS

The Kansas Request for Interim Certification sought authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, to amend EPA registrations which involve changed use patterns, and to amended EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

MARYLAND

The Maryland Request for Interim Certification sought authority to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

PENNSYLVANIA

The Pennsylvania Request for Interim Certification sought authority to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. Authority to register new products as defined in § 162.152(g) of the proposed regulations was not requested. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Florida Department of Agriculture and Consumer Services, the Kansas State Board of Agriculture, the Maryland Department of Agriculture, and the Pennsylvania Department of Agriculture. These Agencies were notified on February 4, 1976, that their requests had been approved.

Copies of the Florida, Kansas, Maryland, and Pennsylvania Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division, (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1421 Peachtree Street, NE, Room 112, Atlanta, Georgia 30309 (*Florida Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (*Kansas Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106 (*Maryland and Pennsylvania Requests only*).

Dated: February 20, 1976.

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

[FR Doc.76-5395 Filed 2-24-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20712, 20713; FCC 76-115]

ASSOCIATED TELEPHONE ANSWERING SERVICES SYSTEMS, INC. AND VERNON H. JOHNSON

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Associated Telephone Answering Services Systems, Inc., Albuquerque, New Mexico, Docket No. 20712, File No. 3008-C2-P-(3)-71; Vernon H. Johnson, Grants, New Mexico, Docket No. 20713, File No. 4467-C2-P-(3)-71.

1. Before us for consideration are applications filed by Associated Telephone Answering Services (now Associated Telephone Answering Services Systems, Inc., Albuquerque, N.M., hereinafter Associated) on December 11, 1970, and by Vernon H. Johnson (Johnson) Grants, N.M. on February 17, 1971. Both applicants seek authority in the Domestic Public Land Mobile Radio Service to add frequency 152.12 MHz to already existing facilities used for the provision of two-way mobile service. Also before us are: (a) An amendment to its application filed July 18, 1974, by Associated changing its name as indicated above; (b) a Petition to Return, Dismiss or Deny filed July 3, 1974, by Johnson [1]; (c) Associated's Opposition thereto filed August 2, 1974 and; (d) Johnson's reply to the Opposition filed August 13, 1974.

[1] Johnson's Petition to Return, Dismiss or Deny was filed after Associated's application for assignment appeared on public notice on June 3, 1974, and before the actual amendment to the instant application was filed by Associated.

2. Unless the amendment filed July 18, 1974, by Associated is a major one, Johnson's Petition to Return, Dismiss or Deny is untimely pursuant to Commission Rule 21.27(c), having been filed some three and one half years after Associated's application. For the reasons stated below, we find the amendment is a minor one. Thus, Johnson's Petition is untimely filed, and further, Associated is not subject to the "cut-off" provisions of Commission Rule 21.30 as Johnson has alleged. To be a major amendment, the change from unincorporated to incorporated status would have to involve a substantial change in beneficial control, either *de jure* or *de facto*. "Notice of proposed rulemaking, Docket 19905", 44 F.C.C. 2d 556 (1973). As an unincorporated entity, Associated was a sole proprietorship, owned and controlled by Francis R. Real. Associated, as a corporation, has as its stockholders the same Francis R. Real and Suesanna Real, his wife. Francis R. Real owns 55% of the stock. Under these circumstances, the change in control is not substantial enough to be considered a major amendment. Since Johnson's petition is untimely, it follows that Associated's opposition to Johnson's petition, and Johnson's reply thereto, are mooted. Even considered as an informal petition, we find the Johnson petition substantively unpersuasive.

3. Both applicants propose adding an additional frequency to an existing station, and are thus subject to the requirements of Rule 21.516. In their application, each attempted to comply by submitting channel loading studies for their then authorized facilities. Since then, however, changes have occurred which make both previous channel loading studies deficient. In 1973, Johnson was granted authority to add a third frequency to his facilities. In 1974, Associated was granted authority to add two frequencies in the 450 MHz band to its facilities. Neither has submitted updated channel loading studies, thus the capacity of each applicant's facilities in relation to the demand faced by that applicant will be in issue in the hearing.

4. Both applicants propose using the same frequency in the same general area, and are thus mutually exclusive. Both applicants are legally, financially and technically qualified to operate the proposed facilities. A hearing must be held to resolve the basic qualifying issues and then comparatively determine which applicant is the better qualified to operate the proposed facilities in the public interest. "Ashbacker Radio Corp. v. F.C.C." 326 U.S. 327 (1945).

5. The issues designated in paragraph 6, *infra*, include both basic and comparative considerations. Both applicants here have satisfied the threshold showing required under Issue 1 ("need"), and hence the issue is comparative only. "New York Telephone Co.," 47 F.C.C. 2d 488 (1974). Issue 2, the channel capacity issue, is always basic only. Having demonstrated a quantum of need, the applicants must demonstrate, in accordance with § 21.516, that the capacity of their existing facilities is inadequate to serve such need. "Empire Communications, Inc.", 47 F.C.C. 2d 329 (1974). Issue 3, comparative only, need not be reached unless and until Issue 2 has been met. For the scope of Issue 3, see "Vegas Instant Page," 50 F.C.C. 2d 1161 (1975) and "RAM Broadcasting of Florida," 50 F.C.C. 2d 1136 (1975).

6. In view of the foregoing: *It is ordered*, That pursuant to Sections 309 (d) and (e) of the Communications Act of 1934, as amended, that the captioned applications of Vernon H. Johnson and Associated Telephone Answering Services Systems, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the total area and population to be served by Associated Telephone Answering Services Systems, Inc. and Vernon H. Johnsin within the 37 dbu contour of their proposed facilities based upon the standards set forth in § 21.504 of the Rules, and to determine the need for the proposed service in those areas.

2. To determine the present and prospective channel loading, in accordance with § 21.516 of the Rules, of the two-way facilities presently assigned Associated Telephone Answering Services Systems, Inc. and Vernon H. Johnson.

3. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

7. *It is further ordered*, That the hearing shall be held at a place, time and before a judge to be designated in a subsequent order.

8. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to this proceeding.

9. *It is further ordered*, That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date thereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: February 10, 1976.

Released: February 19, 1976.

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

[FR Doc.76-5335 Filed 2-24-76;8:45 am]

[Docket No. 20682]

CHANGES IN THE ENTERTAINMENT FORMATS OF BROADCAST STATIONS

Policy Development; Order Extending Time for Filing Comments and Reply Comments

1. On December 22, 1975, the Commission adopted a Notice of Inquiry, released on January 19, 1976, and published in the FEDERAL REGISTER on January 20, 1976, at 41 Fed. Reg. 2859, in the above-entitled matter. The Notice stipulated February 19, 1976, as the deadline for comments and March 3, 1976, as the deadline for reply comments from interested parties.

2. Two motions seeking an extension of time for the filing of comments in this proceeding have been filed. One, filed February 5, 1976, by counsel on behalf of the National Association of Broadcasters (NAB) seeks at least a 45-day extension, or until April 5, 1976, for comments and at least a 30-day period ofter the requested extension in the due date for comments, or until May 5, 1976, for reply comments.[1] The other, filed jointly on February 9, 1976, by three citizens groups—the National Citizens Committee for Broadcasting (by counsel), the WNCN Listeners Guild (by its Executive Director) and Classical Radio for Connecticut (by counsel) [2]—requests a four-months extension of time, or until June 15, 1976, for comments.

3. It appears from the allegations of these movants that the period of time allowed for the filing of comments herein is insufficient considering the complexity of the important issues and questions presented by the Commission for study and comment in the Notice of Inquiry and the work and time that may be required in the preparation and filing of meaningful comments thereon, particularly by those of the public desiring to file comments who are not familiar with the Commission's processes. The Commission is therefore of the view that additional time should be granted. A 45-day extension, it is believed, would be reasonable in the public interest to ensure ample opportunity for the elaboration and submission of meaningful comments by all interested persons, groups and organizations in this proceeding.

4. The four-month extension requested by the citizens groups would, in our view, unduly delay the Commission in proceeding with its study of the important policy questions it is exploring herein and is not considered reasonably necessary or warranted, as they urge, because the proceeding might be affected by the Commission's ultimate ruling on a pending petition.[3] While the course of this proceeding could be affected thereby

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[1] A statement in support of the NAB motion for a 45-day extension of time was filed on February 11, 1976, by counsel for Metromedia, Ind.

[2] The National Citizens Committee for Broadcasting is described as a national media reform organization, and the WNCN Listeners Guild and Classical Radio for Connecticut as New York City area citizens groups "which organized around the loss of the unique classical format on Radio Station MNCN(FM), New York, New York" in this pleading.

[3] A "Petition to Reconsider, Rescind, Suspend, or Redirect Inquiry," filed February 6, 1976, in Docket 20682 by Citizens Communications Center on behalf of Citizens Committee to Save Jazz Radio (N.Y., N.Y.), the Committee for Community Access (Boston, Mass.), and others.

or by any number of other circumstances, such as questions raised by the comments received or by the Commission's own studies or rulings on other requests, etc., which would dictate providing additional time for comment, the Notice of Inquiry sufficiently details the policies and practices to be explored by the Commission to permit the filing of helpful comments thereon of lasting value, and the 45-day extension being granted, it is believed, will provide adequate time for all parties desiring to file comments herein to do so.

5. *Accordingly, it is ordered,* That the closing date for filing comments herein IS EXTENDED from February 19, 1976, to and including April 5, 1976, and the closing date for filing reply comments IS EXTENDED from March 3, 1976, to and including May 5, 1976; and that the motions of the National Association of Broadcasters and the three citizens groups (the National Citizens Committee for Broadcasting, the WNCN Listeners Guild and the Classical Radio for Connecticut) are granted insofar as they are consistent with the action taken herein and in other respects are denied.

6. This action is taken pursuant to authority found in sections 4 (i) and (j), 5(d) (1), 303(r) and 403 of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: February 18, 1976.

Released: February 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.70-5333 Filed 2-24-76;8:45 am]

EQUIPMENT IDENTIFICATION REQUIREMENTS MODIFIED FOR TELEVISION BROADCAST RECEIVERS

Interpretation

FEBRUARY 13, 1976.

In a recent letter to RCA Corporation, the Office of Chief Engineer included the following statement concerning requirements for identification of television broadcast receivers subject to certification under Part 15 of the Commission's rules and regulations:

As a result of recent communications with representatives of RCA Corporation and of other television broadcast receiver manufacturers concerning, in general, the matter of identification of television broadcast receivers, we have given further consirderation to the referenced applications. It has been argued that such terms as "XL-100", "ColorTrak", "VideoMatic", etc., are not regarded by the manufacturers as trade names, but more usually as trade marks denoting a particular equipment feature or equipment series.

At the present time, we know that the appearance of terms such as "ColorTrak", "AccuColor", "XL-100" and "VideoMatic' on the front or exterior of television broadcast receivers has not caused difficulty to the Commission in identifying such receivers for certification purposes, when the trade name and model number were clearly shown on the required label.

In view of this, notwithstanding our previous correspondence concerning the referenced applications, we will withdraw our objection to your use of the terms "XL-100" and "ColorTrak" on the receivers without including these terms on the required label as part of the trade name. Further, we will hereafter regard the seventh paragraph concerning "Pet Names", of our Public Notice No. 53056 dated July 24, 1975, as not applicable to television broadcast receivers.

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

[FR Doc.76-5027 Filed 2-24-76;8:45 am]

[Docket Nos. 20715, 20716; FCC 76-1231]

OLIVER W. SWAN AND SWAN ANTENNA SYSTEMS

Memorandum Opinion and Order and Order To Show Cause Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of: Oliver W. Swan, d/b/a Swan Antenna Systems, Naco, Arizona, Docket No. 20715, File No. BPTTV-5326; Oliver W. Swan d/b/a Swan Antenna Systems, Naco and Hereford, Arizona, Docket No. 20716, File No. BPTTV-5377A[1]; for construction permits for new television translator stations.

1. The Commission has before it for consideration the above-captioned applications of Oliver W. Swan, doing business as Swan Antenna Systems (Swan), requesting construction permits for two new one-watt television broadcast translator stations, the first of which (BPTTV-5326) is to serve Naco, Arizona, by rebroadcasting station KZAZ(TV), Nogales, Arizona, on output channel 2, and the other is to serve Naco and Hereford, Arizona, by rebroadcasting station KPHO-TV, Phoenix, Arizona, on output channel 7. Also before the Commission is a petition to deny, filed October 21, 1975, by Carleton Signal, doing business as Bisbee CATV, operator of a cable television system in Naco, Arizona, and various subsequent pleadings.[2]

2. A brief review of the background of this matter is essential to an understanding of the basis for our decision. On June 17, 1974, the Commission accepted for filing two applications by Swan for construction permits for new one watt translator stations to serve Elgin, Arizona, one (BPTTV-5039) by rebroadcasting KZAZ(TV) on output channel 2, and the other (BPTTV-5040) by rebroadcasting KPHO-TV on output channel 7. These applications contained the representation that the applicant had no interest in, or connection with, any cable television system. On January 16, 1975, the Commission's Los Angeles District Office received a letter from Bisbee CATV alleging that Swan was operating cable televisions systems without certificates of compliance from the Commission and that he was also operating unlicensed broadcast transmitters. The Los Angeles District Office referred the letter to its headquarters in Washington, D.C., and upon receipt of the letter by the Broadcast Bureau, a preliminary examination of the applications was made. It was found that, in the application (BPTTV-5039) for a translator to rebroadcast KZAZ-TV, the letter granting rebroadcast consent to Swan spoke in terms of permitting Swan "* * *" to distribute our television signal to your cable television systems." Aside from the question of whether Swan was operating cable television systems, the question now arose as to whether he was seeking authority to construct translator stations for the purpose of feeding cable television systems rather than to serve the general public as required by section 74-731(c) of the Commission's rules. The examination of the applicant lent impetus to the suspicion that Swan may be concealing or misrepresenting facts when it was found that Swan had failed to provide information as to the orientation of the proposed transmitting antennas, as required by the application forms, and did not provide a legible vertical sketch of the transmitting antenna structure.[3] It was also noted that the proposed site was about 20 miles from Elgin and was some 127 miles from station KPHO-TV; there was no indication that the incoming signals were to be received from an intermediate source. These indications suggested that Swan did, in fact, intend to feed cable television systems and not the public and that there might be unlicensed intermediate broadcast stations in operation. Questions as to Swan's ability to receive KPHO(TV)'s signals, his ability to provide optimum service to Elgin, and his ownership and operation of cable television systems, were raised by a letter to him on February 18, 1975.

3. Swan did not respond to this letter, but instead, filed the present applications on March 18, 1975, which are wholly different from the first pair. This filing did nothing to assuage the Broadcast Bureau's concerns, but rather, aggravated them. An early perusal of the new applications disclosed that the proposed site was about 180 miles from KPHO(TV)

[1] This application originally specified only Hereford as the principal community to be served and was assigned file number BPTTV-5327. On August 21, 1975, the application was amended to specify Naco as an additional community. Since a change in principal communities is a major change (section 1.572 (a) (1) of the rules), the application was assigned a new file number and returned to the end of the processing line.

[2] On November 28, 1975, Swan filed an opposition and on January 5, 1976, Bisbee CATV filed a reply.

[3] This type of information might indicate whether Swan intended to provide the best possible service to his specified principal communities or whether he intended to use the translators for another purpose.

and no intermediate transmitting facility was indicated; that the site was some 19 miles from Naco and only one watt was proposed; and that the site was about 45 miles from KZAZ–TV. Station KZAZ–TV operates with a highly directional transmitting antenna oriented away from Swan's proposed site so that the effective radiated power in the direction of Swan's location would be about 20 watts. In addition, severe terrain obstructions lie between KZAZ–TV and Swan's site. Both applications indicated that Swan had no interest in, or connection with, any cable television system, but stated that he operated eight systems in Cochise County, each serving less than 49 subscribers.[4]

4. On May 2, and May 5, 1975, an investigation of Swan's operations was conducted by Commission field personnel. The investigation disclosed that Swan operated several small cable television systems in Cochise County, but it was not possible to ascertain the exact number of subscribers served by each. It was also found that Swan was operating unlicensed transmitting facilities at three different locations with power of about 50 milliwatts. These unlicensed transmitters were being used to feed Swan's cable systems. Notices of Violation for operating unlicensed radio stations were issued to Swan on May 7, 1975, and he was directed to terminate the operations. On May 14, 1975, a letter was received by the Broadcast Bureau from Swan, requesting a waiver of section 301 of the Communications Act to allow him to continue to operate his unlicensed transmitters. This, of course, was denied. On June 16, 1975, the present applications were accepted for filing and the original applications were dismissed the following day. On July 15, 1975, the Commission received informal objections from Bisbee CATV.[5] On July 21, 1975, the Chief, Cable Television Bureau, wrote to Swan to inquire as to whether he was operating a cable television system or systems as defined by § 76.5(a) of the rules without having obtained a certificate of compliance as required by § 76.11 (a) of the rules. Swan responded on August 1, 1975, indicating that he was not operating a cable television system within the meaning of § 76.5(a), but was the owner and operator of separate and distinct "community television facilities." No details as to the nature of these "facilities" were furnished. On July 26, 1975, the Chief, Broadcast Bureau, wrote to Swan raising the questions discussed in previous paragraphs and on August 21, 1975, Swan amended his Naco application (BPTTV–5326) in response to the Bureau's letter. Swan there maintained his position that he could receive the primary station signals directly off-the-air and that he could provide adequate service to his specified principal communities. He never responded to the charges contained in Bisbee CATV's objections.

5. The petition to deny filed by Bisbee CATV raises questions as to whether Swan operates cable television systems as defined by our rules and, therefore, subject to our regulation; whether he proposes to use the translators as point-to-point relay devices for the purpose of feeding his cable systems; and whether, if the cable systems are, in fact, subject to our regulation, the applications are inconsistent with the cable-translator cross-ownership rules. To support the contention that Swan operates cable television systems within the meaning of our rules, petitioner asserts that its general manager personally counted the hookups in one of Swan's systems and found that the system was serving more than 100 subscribers. Swan's opposition to the petition generally traverses the allegations of the petition. We have, then a dispute of fact which we cannot resolve without a hearing.

6. Swan's applications raise serious questions. We are not persuaded that the "community television facilities" which Swan concedes that he operates are not cable television systems within the meaning of § 76.5(a) of the rules and he may, therefore, be operating in violation of § 76.11(a) of the rules. There are questions as to whether Swan operated transmitting apparatus in violation of section 301 of the Communications Act, whether he made misrepresentations to the Commission or was lacking in candor, whether he proposes to operate translator stations to feed cable television systems rather than to serve the public, in violation of § 74.731(c) of the rules, and whether the applications are consistent with § 74.737(a) of the rules, which is concerned with the selection of a site from which optimum service can be provided to the principal communities and where satisfactory signals can be received from the primary stations. The issue which we will specify with respect to § 74.737(a) of the rules is intended to embrace consideration of distances, terrain factors, and transmitting antenna orientations. Also implicit in this issue is the question of whether Swan intends to use undisclosed apparatus to receive the signals from the primary stations at some intermediate point and to retransmit them to his proposed translator site. If it is determined that Swan's "community television facilities" are subject to the Commission's rules, a question also arises as to whether grant of the translator applications would be barred by the cross-ownership rules (§ 76.501(a)(3)). Since we do not know whether Swan's cable facilities are cable television systems subject to our regulation, we will frame an issue to enable this determination to be made and if the evidence proves that there are such facilities, Swan will, by this order, be required to show cause why he should not be compelled to cease and desist from further operation in violation of the rules.

7. Swan's applications indicate that the proposed site is on lands under the jurisdiction of the Department of the Interior's National Park Service, Coronado National Memorial. Swan had a special use permit from that agency which was valid until September 30, 1975, for the limited purpose of setting up equipment for a "* * * temporary survey of TV signals utilizing portable electronic equipment. Installation to consist of small receiving antenna [and a] small transmitting antenna * * *" Although a site on lands under the jurisdiction of the National Park Service is not subject to the requirements of § 1.70 of the rules,[6] the fact that Swan was apparently required by the Park Service to obtain a permit raises a question as to whether that agency is willing to permit the use of its lands for substantially different and permanent broadcast stations.

8. One other question raised by petitioner requires comment. Subsequent to the filing of the petition to deny, the Commission received a series of identically addressed letters from members of the public urging grant of the Swan applications. Each letter contained the file numbers of the applications, which is information not normally known to members of the public. Petitioner suggests that Swan may have solicited or encouraged the transmission of these letters in violation of § 1.1225(a) of the rules, which prohibits *ex parte* communications in a restricted proceeding. There is no persuasive evidence that Swan had a hand in the sending of these letters; the indication is that he solicited letters to be sent to his counsel urging grant of the applications. While we are unable to fathom the logic of this, it is clearly not a violation of the *ex parte* rules and we do not think that an issue would be warranted on the basis of conjecture or mere possibility.

9. For the reasons set forth, we are unable to make the statutory finding that the applicant is qualified to construct, own and operate the proposed new translator stations and a hearing is, therefore, required.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Oliver W. Swan, d/b/a Swan Antenna Systems, are designated for hearing in a consolidated proceeding, at a time and place and before an Administrative Law Judge to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant constructed and operated apparatus for the transmission of communications or

[4] The term "cable television system" does not apply to a facility which serves fewer than 50 subscribers. Section 76.5(a) of the rules.

[5] When the Swan application (BPTTV–5327) was amended (see Footnote 1, supra), a new period commenced within which statutory petitions to deny could be filed. The filing of a formal petition to deny by Bisbee CATV against the amended application renders the informal objections moot and they are not considered herein.

[6] Section 1.70 of the rules sets forth certain procedures which applicants must follow in obtaining from U.S. Government lands agencies a determination that the site is available for the proposed use. By its terms, however, the rule is limited to the United States Forest Service and the Department of the Interior's Bureau of Lands Management.

signals by radio, which are subject to the provisions of section 301 of the Communications Act, without having first obtained an authorization from the Commission;

2. To determine whether the applicant operates or has operated cable television systems, as defined by § 76.5(a) of the Commission's rules and, if so, whether such systems are being operated, or have been operated, in violation of § 76.11(a) of the rules;

3. To determine whether the applicant has made misrepresentations to the Commission or was lacking in candor;

4. To determine whether the proposed translator stations are to be operated primarily for a purpose other than to serve the general public, in violation of § 74.731(c) of the rules;

5. If Issue 2, above, is resolved in the affirmative, to determine whether a grant of the applications would be consistent with § 76.501(a)(3) of the rules, relating to cross-ownership of translators and cable television systems;

6. To determine whether grant of the applications would be consistent with § 74.737(a) of the rules, relating to the ability to receive satisfactory input signals and to provide optimum service to the specified principal communities to be served;

7. To determine whether the applicant will require the permission of the National Park Service to locate the proposed broadcast facilities on lands under the jurisdiction of that agency and, if so, whether he can obtain such permission;

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicant has the requisite qualifications to be a licensee;

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications would serve the public interest, convenience and necessity.

It is further ordered, Pursuant to section 312(b) and (c) of the Communications Act of 1934, as amended, that, if Issue 2, above, is resolved in the affirmative, Oliver W. Swan shall show cause, if any he may have, why an order should not issue requiring him to cease and desist from further operation of cable television systems in violation of the Commission's rules.

It is further ordered, That the Chief, Cable Television Bureau, and Carleton Signal, d/b/a Bisbee CATV, are made parties to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 10, 1976.

Released: February 24, 1976.

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

[FR Doc.76-5334 Filed 2-24-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL PROGRAM

Crude Oil Allocation

In accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published.

This notice is subject to possible revisions as to the purchase opportunities and sale obligations set forth therein in the event of the adoption of certain amendments to the buy/sell program that FEA intends to issue shortly in proposed form. The amendments, if adopted, would revise the method of calculating the sale price under the program and adjust purchase opportunities and sale obligations to reflect adoption of the Canadian allocation program.

The buy-sell list is set forth as an appendix to the notice. Included as part of the list, as required by § 211.65(e) are: The quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers, with a specification as to the portions thereof that constitute the primary and secondary sales obligations for each refiner-seller, in accordance with 10 CFR 211.65(d).

The buy-sell list is applicable for the period March 1, 1976 to May 31, 1976. The provisions of 10 CFR Part 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation quarter a quantity of crude oil equal to that refiner-seller's primary sales obligation plus any portion of that refiner-seller's secondary sales obligation as to which the FEA directs a sale pursuant to 10 CFR 211.65(h). No refiner-seller shall be required to offer for sale to refiner-buyers, whether by directed sale or otherwise, any portion of its secondary sales obligation until each other refiner-seller (except refiner-sellers with minimal primary sales obligations) has sold at least 80% of its primary sales obligations.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon on or before March 11, 1976, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made on or before March 26, 1976. Upon such request, FEA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of 10 CFR Part 211, Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specifiation range of crude oil which can be processed in each refinery.

3. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries.

4. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (1-74) within 15 days of the completion of arrangements for the transaction. Each refiner-buyer and refiner-seller is requested to report as promptly as practicable every such transaction to which it is a party.

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing June 1, 1976, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b)(1) no later than March 31, 1976.

All reports and applicantions made under this notice should be addressed to:

Director, Crude Operation, Crude Oil Buy-Sell Program, 20th Street Postal Station, P.O. Box 19326, Washington, D.C. 20036.

Issued in Washington, D.C., February 20, 1976.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period March 1, 1976 through May 31, 1976 is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller is obligated to offer for sale (with a specification as to primary and secondary sales obligations) or that each such refiner-buyer is eligible to purchase, as the case may be.

Federal Energy Administration, crude oil allocation program for the period March through May 1976

	Sales (barrels)		
	Share	Primary obligation	Secondary obligation
Amoco Oil Co	0.099	2,217,101	6,307,907
Atlantic Richfield	.072	2,260,426	4,632,192
Cities Service Oil	.023	518,677	1,481,340
Continental Oil Co	.034	0	1,133,390
Exxon Corp	.112	3,268,225	7,135,022
Getty/Skelly	.020	674,664	1,277,630
Gulf Oil Corp	.086	6,929,403	5,487,057
Marathon Oil Co	.022	1,676,223	1,376,416
Mobil Oil Corp	.089	2,686,861	5,666,023
Phillips Petroleum	.039	1,010,343	2,491,705
Shell Oil Co	.107	3,305,743	6,842,437
Socal/Chevron	.096	1,943,960	6,116,601
Sun Oil Co	.052	3,494,181	3,342,222
Texaco, Inc	.107	7,042,936	6,848,000
Union Oil Co. of California	.043	2,971,257	2,752,768
Total		40,600,000	62,890,710
Total allocation obligation			102,890,710

FEDERAL ENERGY ADMINISTRATION CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD, MARCH 1976 THROUGH MAY 1976—PURCHASES

	Barrels
Allied Materials Co	123,502
Amerada Hess Corp	10,085,883
American Petrofina	1,012,167
Apco Oil Corp	879,513
Arizona Fuels Corp	0
Asamera Oil, Inc	3,450
Ashland Oil Inc	7,826,385
Axel Johnson	130,486
Bayou State Oil Corp	0
Beacon Oil Co	230,125
C. & H. Refining	0
California Oil Purification Co	492,638
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	459,030
Charter Oil Co	767,217
Claiborne Gas Co	0
Clark Oil & Refining	2,591,368
Coastal States Gas	6,576,913
Commonwealth Oil Ref	3,024,775
CRA-Farmland Ind. Inc	2,112,190
Cross Oil & Ref-Ark	95,091
Crown Central Petro	2,073,190
Crystal Oil Refining	0
Crystal Refining Co	135,500
Delta Refining Co	1,649,699
Diamond Shamrock Corp	164,262
Dorchester Gas	0
Dow/Refinery	136,950
Eddy Refining Co	0
Edgington Oil Co	152,323
Eddington Oxnard Refinery	0
Evangeline Refining	0
Famariss Oil Corp	2,053,634
Farmers Union Exchange	1,239,969
Fletcher Oil & Refining	192,658
Flint Chemical Corp	0
Gary Operating Co	581,789
Giant Industries	444,802
Gladieux Refining	169,169
Golden Eagle Refining Co	467,250
Good Hope Refineries	250,708
Guam Oil & Refining	0
Gulf States	38,108
HIRI	323,750
Howell Corp	931,701
Hunt Oil Co	393,769
Husky Oil Co	1,630,370
Indiana Farm Bureau	259,245
J. & W. Refining Inc	568,156
John Wight, Inc	0
Kentucky Oil Refininig Co	0
Kerr McGee Co	4,042,546
Koch Refining Co	659,943
La Gloria Oil-Gas Co	499,680
Louisiana Land & Exploration Co	2,388,469
Lakeside Refining Co	27,032
Laketon Asphalt Refining	9,114
Little America Refining	723,074
Louisiana Oil & Re-Refining	0
MacMillan Ring-Free Oil Co	330,270
Marion Corp	79,682
Mid-America Refining	10,000
Mid-Tex Refinery	233,197
Midland Coop. Inc	765,392
Mohawk Petroleum Co	296,422
Monsanto Company	337,250
Morrison Petroleum	0
Mountaineer Refinery	15,096
Murphy Oil Corp	3,914,183
National Co-op Ref	1,408,398
Navajo Refining Co	50,813
Newhall Refining Co	377,486
North American Petroleum	229,802
Northland Oil & Ref	398,078
Oil Shale Corp	2,165,441
OKC Corp	0
Pasco Inc	506,533
Pennzoil Co	343,380
Pioneer Refining	7,550
Placid Refining	2,489,200
Plateau Inc	583,479
Powerine Oil Co	1,699,718
Pride Refining Inc	1,130,238
Quaker State Oil Refining Co	0
Road Oil Sales, Inc	5,750
Rock Island Refining	98,250
Saber Refining Co	358,814
Sabre Refining Inc	55,159
Sage Creek Refining Co	46,250
San Joaquin Refining	0
Seminole Asphalt Ref	187,500
Sigmor Corp	0
Somerset Refinery	0
Sound Refining Inc	171,577
South Hampton	1,257,415
Southland Oil Co	124,618
Southwestern Refining Co	0
Standard Oil of Ohio	13,955,472
Sunland Refining Co	263,724
Tenneco Oil Co	1,302,750
Tesoro Petroleum Co	779,375
Texas Asphalt & Refining	49,232
Texas City Refining	3,521,750
Thagard Oil	0
The Refinery Corp	314,126
Thriftway Oil Co	77,983
Thunderbird Resources	20,741
Tonkawa Refining Co	49,822
Total Leonard Inc	317,019
Union Texas Petroleum	0
United Independent Oil Co	10,171
United Refining Co	701,047
U.S. Oil & Refining Co	379,323
V-1 Oil Co	2,787
Vickers Petroleum Co	1,135,835
Vulcan Asphalt Ref	97,989
Warrior Asphalt Corp	73,035
West Coast Oil Co	0
Western Refining Co	672,387
Wickett Refining	0
Winston Refining Co	82,991
Wireback Oil Co	8,095
Witco Chemical Corp	522,375
Yetter Oil Co	1,000
Young Refining Corp	257,147
Total	102,890,710

[FR Doc.76-5421 Filed 2-23-76;10:10 am]

FEDERAL MARITIME COMMISSION

[Agreements Nos. 8210-29, 7770-13]

AMERICAN IMPORTERS ASSOCIATION

Enlargement of Time To Comment

FEBRUARY 19, 1976.

The Commission published notice of intent to conditionally approve Agreements Nos. 8210-29 and 7770-13 in the FEDERAL REGISTER of February 5, 1976 (41 FR 5307). Statements regarding such notice were to be submitted to the Commission on or before February 23, 1976.

American Importers Association (AIA) has requested a 30-day extension of time within which to file comments. While AIA has justified a certain extension, the full 30 days seems unwarranted. Accordingly, statements may be filed on or before March 8, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.76-5353 Filed 2-24-76;8:45 am]

COMPANIA DE VAPORES CERULEA S.A., ET AL.

Issuance of Certificate [Casualty]

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Compania De Vapores Cerulea S.A.,
Ulysses Line Ltd. S.A. of Panama,
c/o Sovereign Holidays Ltd.,
609 Fifth Avenue,
New York, New York 10017.

Dated: February 20, 1976.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.76-5456 Filed 2-24-76;8:45 am]

COMPANIA DE VAPORES CERULEA S.A. ET AL.

Issuance of Certificate [Performance]

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540):

Compania De Vapores Cerulea S.A.,
Ulysses Line Ltd. S.A. of Panama,
Sovereign Holidays, Ltd.,
% Sovereign Holidays, Ltd.,

609 Fifth Avenue,
New York, New York 10017.

Dated: February 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5355 Filed 2-24-76;8:45 am]

[Docket No. 76-9]

PERKINS GOODWIN CO., INC. VS. AMERICAN MAIL LINE LTD/AMERICAN PRESIDENT LINE

Filing of Complaint

FEBRUARY 20, 1976.

Notice is hereby given that a complaint filed by Perkins-Goodwin Co., Inc. against American Mail Line Ltd/American President Line was served February 19, 1976. The complaint alleges that complainant has been subjected to payment of rates for transportation which are unjustly prejudicial in violation of sections 17 and 18 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before August 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5354 Filed 2-24-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-85, etc.]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

Order Granting Intervention, Consolidating Proceedings and Scheduling Formal Hearings

FEBRUARY 19, 1976.

By order issued December 12, 1975 in Docket No. CP76-85, we issued a temporary certificate of public convenience and necessity authorizing Algonquin Gas Transmission Company (Algonquin), Texas Eastern Transmission Corporation (Texas Eastern), Boston Gas Company (Boston) and Brooklyn Union Gas Company (Brooklyn Union) to effectuate an "exchange" agreement whereby Boston would make gas stored for Brooklyn Union by Distrigas of Massachusetts Corporation (DOMAC) available to Brooklyn Union, utilizing the pipeline facilities of Algonquin and Texas Eastern to effectuate deliveries by the "backing-off" and "exchange" of natural gas, all as more fully explained in our December 12, 1975 order and the applications and petitions herein. We scheduled a formal hearing to commence January 27, 1976 to resolve remaining issues specified in the December 12, 1975 order.

On November 26, 1975 Algonquin, Transcontinental Gas Pipe Line Corporation (Transco) and Texas Eastern filed in Docket No. CP76-173 an application for a certificate of public convenience and necessity authorizing a similar transportation and exchange arrangement for the benefit of South Jersey Gas Company (South Jersey). Applicants propose that gas stored by DOMAC, to which South Jersey is entitled, would be delivered by DOMAC to Boston Gas for use entirely within the Boston Gas system; that Boston would release equivalent quantities it would otherwise take from Algonquin, its pipeline supplier, who would then by displacement release equivalent quantities to Texas Eastern, who would in turn make similar quantities available to Transco for delivery to South Jersey. Algonquin, as in Docket No. CP76-85, proposes a service charge of 15 cents per million Btu, and Transco a charge of 9.5 cents per Mcf at 14.7 psia. Boston Gas would charge 23.5 cents per million Btu to compensate for differences in the Btu content of DOMAC and Algonquin gas, all charges to be paid by South Jersey.

On January 12, 1976, in compliance with a letter of the Commission Secretary dated December 19, 1975, Boston Gas and South Jersey filed a joint application in Docket No. CP76-232 requesting temporary section 7(c) authorization for the transportation and exchange arrangements last described. Applicants requested that their application be consolidated with the proceedings in Docket No. CP76-85.

On November 10, 1975, Algonquin filed in Docket No. CP76-158 an application seeking authorization for the exchange and transportation of natural gas by displacement for The Connecticut Gas Company (Connecticut). On January 6, 1976, Boston Gas and Connecticut filed in Docket No. CP76-225 a related application requesting temporary authorization for a transportation and exchange service wherein gas stored by DOMAC for Connecticut would be delivered to Connecticut by displacement. As in the Brooklyn Union and South Jersey proposals, DOMAC would deliver gas volumes to Boston Gas for use entirely within its system; Boston Gas would release equivalent volumes to Algonquin, who would then by displacement deliver equivalent volumes to Connecticut. Boston Gas would receive from Connecticut 23.5 cents per million Btu for Btu differences in the DOMAC and Algonquin gas. Algonquin Gas would charge Connecticut 15 cents per MMBtu for the service.

Algonquin, Texas Eastern, Transco, Boston Gas and South Jersey were given temporary authorization for the proposed operations by Secretary's letter issued January 28, 1976. Algonquin, Boston Gas and Connecticut were granted similar temporary authorization by Secretary's letter also issued January 28, 1976.

The common use of facilities and similarity of issues in each of the described dockets make Applicants' request for consolidation (see Joint Application in Docket No. CP76-232) seem appropriate, and we hereby consolidate all dockets for disposition. It also appears appropriate that formal hearings be convened in Docket Nos. CP76-173, CP76-232, CP76-158 and CP76-225. Hearings have already been convened in Docket No. CP76-85.

We shall hereby schedule a prehearing conference so that procedures may be arranged to dispose of these dockets in the most expedited manner. The administrative law judge should determine at such conference the extent to which the existing evidentiary record in Docket No. CP76-85 may be incorporated into the remaining dockets, and schedule further hearings as required to address unresolved issues, including, but not limited to the reasonableness of the amounts to be charged for the services proposed, and jurisdictional issues analogous to those specified in our order of December 12, 1975 in Docket No. CP76-85.

Interventions have already been granted by order issued December 12, 1976 in Docket No. CP76-85. Additional petitions to intervene have been filed by DOMAC in the remaining Dockets and the Public Service Commission of The State of New York filed a late Notice of Intervention in Docket No. CP76-85. DOMAC's petition to intervene is hereby granted. Intervenors in any of the dockets hereby consolidated will be considered intervenors in all.

The Commission finds. It is desirable in the public interest that the above-named petitioner be allowed to intervene in these proceedings.

The Commission orders. (A) The above-titled dockets are hereby consolidated for disposition.

(B) The above-named petitioner is permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition: *And provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered herein. Those already authorized to intervene in any of the above-consolidated dockets shall be deemed intervenors in all.

(C) A prehearing conference shall be convened in these proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., on March 16, 1976, at 10:00 a.m. (EST). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the conference and any subsequent hearing of these matters, pursuant to the Commission's rules of practice and procedure. The designated judge shall at such conference determine the extent to which the existing record in Docket No. CP76-85 may be incorporated into the other dockets hereby consolidated with it, and schedule further hearings as required to address outstanding issues.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5328 Filed 2-24-76;8:45 am]

[Docket No. ER76-510]

ALLEGHENY POWER SYSTEM GROUP AND PENNSYLVANIA-NEW JERSEY-MARYLAND GROUP

Supplement to Interconnection Agreement

FEBRUARY 18, 1976.

Take notice that on February 10, 1976 the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing on behalf of themselves and the Allegheny Power System Group (APS Group) proposed Schedule 4.03 dated February 9, 1976 to the Interconnection Agreement between them dated April 26, 1965, which is filed with the Commission under the following Rate Schedule designations:

	Rate schedule (FPC No.)
West Penn Power Co	18
The Potomac Edison Co	26
Monogahela Power Co	22
Public Service Electric and Gas Co	36
Philadelphia Electric Co	27
Pennsylvania Power & Light Co	41
Baltimore Gas and Electric Co	17
Potomac Electric Power Co	21
Jersey Central Power & Light Co	21
Metropolitan Edison Co	25
Pennsylvania Electric Co	45

The proposed Schedule expands the present provisions for Economy Energy transactions between the two Groups by providing for the Groups to participate in economy transactions involving systems not signatories to the Interconnection Agreement. The proposed arrangements will enable the Groups to supply customer load with the most economical generation available and will serve to utilize fuel which is more readily available and to conserve fuel which is less available since fuel costs tend to increase as relative availability decreases.

No new facilities will be installed nor will existing facilities be modified in connection with the proposed Schedule. The filing party has requested that the proposed Schedule become effective on March 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5324 Filed 2-24-76;8:45 am]

[Docket No. ER76-90]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Denying Motion To Reject and Motion for Summary Disposition, Deferring Action on Motion for Summary Disposition, Granting Interventions and Establishing Procedures

FEBRUARY 20, 1976.

On August 27, 1975, Boston Edison Company (Edison) tendered for filing a proposed increase[1] in rates for electric service to four total requirements Massachusetts municipal customers. In its submittal, Edison included Period I cost of service data based on the calendar year 1974. By letter dated September 24, 1975, the Commission informed Edison that the submitted data was stale and advised Edison to file revised Period I data. On January 23, 1976, Edison submitted Period I data for the year ended September 30, 1975, and Period II data for calendar year 1976. The proposed revisions would increase revenues from the municipal customers of Concord, Norwood, Reading and Wellesley by $2,463,598, or 9.7 percent, for the year ending October 1, 1976. Edison proposes an effective date of February 27, 1976, the date the August 27, 1975, submittal would have become effective if it had been accepted for filing and suspended for five months.

Notice of Edison's filing was issued on September 3, 1975, with protests or petitions to intervene due on or before September 16, 1975. On September 10, 1975, the Towns of Concord, Norwood and Wellesley (Towns) filed a motion to extend the time within which to file petitions to intervene. By notice issued September 15, 1975, the Secretary extended the closing date for filing protests and petitions to intervene to September 19, 1975.

The proposed rate schedule provides for demand and energy charges of $8.45 per kW and 16.09 mills/kWh, respectively, plus a $5,200 per month customer charge. Edison states that under the present S-3 rate, the customer charge is included in the first 10,000 kVa of billing demand. The proposed rate also includes a 92% power factor (due to the fact that demand is billed in kW rather than kVa as in the present agreement) and a 1.25 mill/kWh deferred fuel expense amortization charge to recover deferred fuel expenses over a period of approximately two years. The proposed rate increases the charge for 14 kV and 4 kV service from $1.15/kVa to $2.12/kW and contains a revised fuel adjustment clause designed to comply with the Regulations as amended by Order No. 517.

On September 19, 1975, the Towns of Concord, Norwood and Wellesley, Massachusetts (Towns) filed a protest and petition to intervene and a motion to reject the proposed rate increase. In support thereof, Towns allege that (1) the instant submittal (S-4) is designed to circumvent the Commission's decision in Opinion No. 729, issued May 13, 1975, and Opinion No. 729-A on rehearing, issued August 4, 1975,[2] which required refunds to be made in Edison's S-1 rate; (2) Edison's filing does not conform with Section 35.13(b) of the Commission's Regulations because the Period I data does not constitute the most recent data available to Edison[3]; (3) Edison's rate includes a 1.25 mills/kWh deferred fuel expense surcharge which does not meet the criteria of Sections 35.13 and 35.14 of the Commission's Regulations and Order No. 517; (4) Edison's claimed overall rate of return of 10.45 percent with a return of 16.0 percent on common equity is excessive[4]; (5) Edison's calculation for working capital includes compensating bank balances and deferred fuel expense; (6) Edison has comprehensively normalized income taxes in its cost of service, including those associated with construction work in progress, and therefore, has included unincurred taxes in the rate base; (7) Edison's claimed depreciation rate should be decreased; (8) Edison annualizes the effect of a 1975 9 percent wage increase in its Period II data without recognizing current or improved productivity from the adjustment, as required by Commission Opinion No. 609[5]; (9) Edison's proposed $5,200 per month customer charge and power factor adjustment are unsupported and improper; and (10) Edison's weighted average of the summer and winter territorial peaks for allocating power supply costs is improper. Moreover, the Towns declare that Edison's filing creates a discriminatory price squeeze due to the S-4 rate to wholesale customers being higher than Edison's retail rate, thus making it impossible for the Towns to maintain competitive retail rates with Edison. In the event the Commission does not reject the rate schedule changes embodied within the S-4 rate filing, the Towns contend that the instant filing should be suspended for the full five-month period and that the petitioners should be permitted to intervene.

On September 10, 1975, the Honorable John Joseph Moakley, a Massachusetts Congressman, submitted a letter with respect to the increase in rates this filing proposes to the town of Norwood, in which he requests that the Commission suspend Edison's filing for five months.

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[1] See Attachment for list of designations and descriptions.

[2] Municipal Light Boards of Reading and Wakefield, et al. v. Boston Edison Company, Docket No. E-7400, et al.

[3] Edison's submittal of January 23, 1976, cures this deficiency.

[4] Edison's updated cost of service includes a claimed rate of return of 10.15 percent with a return of 15.0 percent on equity.

[5] Union Electric Company, Docket No. E-7525, 47 FPC 144 (1972).

On September 19, 1975, the Municipal Light Board of Reading, Massachusetts (Reading) filed a protest, motion for summary disposition and petition to intervene in this docket. Reading raises many of the objections cited in the Towns' pleading and similarly alleges that Edison is seeking to recover some elements not permitted by Opinion Nos. 729 and 729–A. Reading contends that Edison is claiming a completely unsubstantiated surcharge of 1.25 mills per kWh which seemingly is not shown in Edison's comparative revenue calculations or in its calculations on revenue in its cost of service. According to Reading, Edison has included the surcharge to compensate for its change to a current month estimated fuel clause from a two-month lag clause, in that it represents the amount Edison estimates the S–3 fuel clause would recover above the base cost of fuel when applied to power sold in November and December, 1975, should the S–4 filing be made effective the end of 1975 as Edison planned. Moreover, Reading argues that Edison is in reality engaging in retroactive ratemaking. Although fuel costs rose sharply in 1973 and 1974, recovery under Edison's fuel clause lagged, because for the last several years Edison has billed under a fossil fuel clause with a 28¢/MBTU base and a two-month lag from the time fuel is burned to the time collected. Reading maintains that Edison is now attempting to recover those lag revenues in 1975, 1976, and 1977.

Reading also raises the issue of Edison's attempt to comprehensively normalize income taxes which results in the alleged inclusion of fictional taxes in Edison's cost of service and a permanent tax savings for Edison. Reading argues that Edison's normalization of the tax benefits arising from liberalized depreciation should be disallowed since Edison stands to realize a tax savings. Similarly, Reading claims that normalization of Edison's capitalized costs of construction will create a permanent tax savings and demands that the associated tax benefits be flowed-through. Moreover, Reading states that it has joined both NEPOOL and the Massachusetts Municipal Wholesale Electric Company and that it anticipates becoming largely responsible for its own power supply in the next several years. As a result, Reading contends, even if Edison's normalization is warranted and represents only a tax deferral and not a tax saving, it would be impossible for these consumers to receive any benefit if they are not being served by Edison at the time the benefit would allegedly be returned. Accordingly, normalization as applied to these customers would still be improper. Reading asks the Commission to grant summary judgment of the normalization question because it contends Edison could not possibly prevail on the issue. Reading avers summary disposition is the appropriate procedure in this case because there is no question of fact, but only ones of law and policy with respect to Edison's alleged retroactive ratemaking attempt in its fuel surcharge and on the tax normalization issue.

In addition, Reading excepts to Edison's requested return on equity of 16 percent, its increased depreciation rate, the cost allocation procedures shown, and the inclusion of the deferred fuel expense, compensating balances, unamortized interest payment and unamortized sales promotion amount in Edison's rate base. Finally, Reading notes that it will attempt to raise the price squeeze issue at hearing if further analysis demonstrates its existence.

On September 19, 1975, Wellesley College, Babson College, Wellesley Office Park Associates, and Spaulding & Slye, Incorporated (Ultimate Consumers) submitted a protest and petition to intervene, requesting a five-month suspension period for the proposed increase. The Ultimate Customers allege the following discrepancies in Edison's cost of service data: (1) Edison does not exclude investment in the Yankee Atomic Companies from the common equity component; (2) Edison does not normalize 1974 operations of its Pilgrim Unit for unusual outages; (3) the 14/4 kV service charge is unjustified.

On September 28, 1975, Wellesley College advised the Commission of its desire to withdraw its request to protest and intervene in the instant docket. All other Ultimate Consumers still wish to protest and intervene in the filing.

On September 22, 1975, Edison filed an answer which opposed Reading's motion for summary dismissal of certain elements of the S–4 rate, the Towns' motion for outright rejection of the entire rate and the motions by both Reading and the Towns for a five month suspension of the rate. Edison states that its present financial condition does not permit it to obtain capital at a reasonable cost in the face of a capital requirement for the 1975–1979 period in excess of one billion dollars. Edison states that its Mystic Unit No. 7 necessitated an investment of $144,000,000. From June 14, 1975, to the present, Edison notes that it has not accrued the allowance for funds used during construction under the present S–3 rate. Edison states that the tax deductions normalized in the S–4 rate fully meet the requirements, including evidentiary requirements, of Commission Order No. 530, and that the proposed normalization of the equity component of the allowance for funds used during construction is essential if Edison is to fully recover its cost of service. Finally, Edison states that its deferred fuel expense amortization charge cannot be considered retroactive ratemaking, as deferred fuel expense has not in the past been reflected in company's books as an expense nor recovered through its rates. Edison adds that the S–4 filing meets all the pertinent criteria of the Commission Opinion Nos. 729 and 729–A.

Our review of Edison's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for five months and establish hearing procedures to determine the justness and reasonableness of Edison's filing. Moreover, we shall deny the Towns' motion for rejection of the complete filing.

The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction.[6] We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Reading's reliance upon "Conway Corporation v. F.P.C.," 510 F. 2d 1264 (1975). However the court in Conway stayed its mandate pending appeal by the Commission and has subsequently granted certiorari.[7] Accordingly, Reading and other petitioners may request consideration of the price squeeze issue when and if the Conway decision becomes final.

Reading's motion for summary disposition on the question of justification for Edison's deferred fuel expense surcharge shall be denied in that it is an issue more appropriately investigated in a hearing and should be decided at the conclusion of that proceeding.

With respect to Reading's motion for summary disposition on Edison's attempted tax normalization, we shall defer action thereon. This action is consistent with that taken in Consumers Power Company, Docket No. ER76–45, where by order issued February 6, 1976, we found that "[a]s set forth in Order No. 530–A, it is evident that Consumers must present evidence in its filings that the proposed normalization with respect to the class of items in the rate proceeding will result in tax deferral rather than tax savings".[8]

Insofar as Order No. 530–A clarifying the showing which must be made by a utility seeking normalization was issued subsequent to Edison's initial filing herein, we shall permit Edison to file, within thirty days of the issuance of this order, such testimony and exhibits as it deems appropriate to support the normalization it seeks herein. To the extent that Edison's presentation fails to make a *prima facie* case of tax deferral, such rate adjustments and refunds as may be necessary will be ordered. We therefore conclude that our consideration of Reading's motion for summary disposition of that portion of Edison's rate increase associated with normalization of the aforementioned items should be deferred. However, as to all other matters raised by intervenors herein, the Commission believes that they should be

[6] See e.g., Virginia Electric and Power Company, Docket No. E–9147, order issued January 22, 1975, Carolina Power and Light Company, Docket No. E–8884, order issued August 26, 1974; Wisconsin Public Service Corporation, Docket No. E–8867, order issued August 23, 1974; and Pacific Gas and Electric Company, Docket No. E–7777, order issued March 14, 1974.

[7] November 11, 1975, in Docket No. 75–342.

[8] Mimeo, p. 4.

developed at the evidentiary hearing herein ordered.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's revised rate schedules proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause has not been shown to grant Towns' motion to reject Edison's filing.

(3) Participation in this proceeding by the above-named petitioners may be in the public interest.

(4) Good cause exists to exclude consideration of the allegation of discrimination between wholesale and retail customers raised by the petitioners in proceeding.

(5) Edison should, within thirty days of the issuance of this order, submit such testimony and exhibits in Docket No. ER76-90 as it deems appropriate to support the normalization it seeks herein.

The Commission orders. (A) Pending a hearing and a decision thereon, Edison's proposed changes in its rates and charges, tendered on August 27, 1975, and completed on January 23, 1976, are accepted for filing, and suspended for five months, the use thereof deferred until July 24, 1976, subject to refund.

(B) The petitioners named herein are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on March 19, 1976 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure.

(D) Towns' motion to reject is hereby denied.

(E) The allegations of discrimination between wholesale and retail customers are hereby excluded from consideration in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) Edison shall, within thirty days of the issuance of this order, submit such testimony and exhibits as it deems appropriate to support to normalization it seeks herein. In the event Edison does not submit such additional support or if such evidence as is submitted does not establish a *prima facie* case of tax deferral, we will require Edison to file such amended rates as may be appropriate and order refunds to be made, if necessary.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

BOSTON EDISON COMPANY, RATE SCHEDULE DESIGNATIONS

Dated: Undated.
Filed: January 23, 1976.
Effective:

Description	*Designation*
Exhibit B.—General service for resale rate for all-requirements service-rate S-4.	4th revised sheets Nos. 11, 12, and 13, to rate schedule FPC Nos. 47, 48, 49, and 51[1] (supersedes 3 revised sheets Nos. 11, 12, and 13).

[1] The rate schedules are designated by customer as follows:

Rate schedule No.	*Customer*
47	Town of Concord.
48	Town of Norwood.
49	Town of Reading.
51	Town of Wellesley.

[FR Doc.76-5351 Filed 2-24-76;8:45 am]

[Docket No. ER76-206]

IOWA ELECTRIC LIGHT & POWER CO.

Order Granting in Part and Denying in Part Petitions for Rehearing and Other Relief and Amending Prior Order

FEBRUARY 20, 1976.

On October 31, 1975, Iowa Electric Light and Power Company (Iowa) tendered for filing certain proposed changes in its rates contained in its FPC Electric Service Tariff, Original Volume No. 1 for partial[1] and full requirements[2] customers.

In response to public notice of the proposed rate increase, the Iowa Defense Group (IDG), representing all the customers to be served under the increased rates, filed a motion to reject the proposed rate increase under the Mobile-Sierra[3] doctrine.

The Commission examined Iowa's service agreements on file for each customer. We determined that Articles IV and VIII[4] in the service agreements for all customers, except the Cities of Ellsworth, Marathon, Tipton, State Center, Vinton, and Sibley, Iowa, constituted a Memphis[5] clause allowing Iowa to unilaterally file section 205 rate increases. By order issued December 31, 1975, the Commission, inter alia, accepted the rate increase for filing for those customers having the Memphis clause in their service agreements on Iowa's proposed effective date of January 1, 1976, and suspended it for two months, until March 1, 1976, when it will go into effect subject to refund. With respect to Ellsworth's service agreement of November 20, 1964, the Commission determined that the parties intended that the contractual rate could only be change pursuant to a Section 206 investigation[6] as stated in the December 31, 1975, order at mimeo p. 3.[7]

On December 22, 1975, Iowa filed electric service agreements for service to Marathon, Tipton, State Center, and Vinton, containing the Memphis clause (see footnote 4, supra) superseding those which had previously been filed with this Commission. By order issued January 26, 1976, the Commission amended its order of December 31, 1975, and accepted Iowa's filing with respect to these customers as of December 22, 1975, and suspended the increases for two months after the statutory 30 day notice period until March 22, 1976, when they will go into effect subject to refund.

With respect to service to Sibley, the service agreement on file dated March 4,

[1] Twelve municipal customers receive partial requirements service under Rate Schedule RES-1.

[2] Fourteen municipal customers, the Farmers Electric Cooperative of Kalona, and the Amana Society Service Company receive full requirements service under Rate Schedule RES-2.

[3] United Gas Pipe Line Co. v. Mobile Gas Service Corporation, 350 U.S. 322 (1956); FPC v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

[4] Article IV—Prices: Company agrees to sell and customer agrees to purchase electric service hereunder at the rates contained in in Company's Rates Schedule RES-1 [or RES-2], as filed wih the Federal Power Commission.

This Agreement in all respects shall be and remain subject to the applicable provision of said Rate Schedule RES-1 [or RES-2] and any lawful amendments or supplements of said Rate Schedule.

Article VIII—Miscellaneous: This Agreement shall at all times be subject to such changes or modifications by the Federal Power Commission, as said Commission may, from time to time, direct in the exercise of its jurisdiction.

[5] United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[6] The pertinent language is as follows: It is further understood and agreed that if a different rate applicable to the class of service furnished under this agreement is legally established by any regulatory jurisdiction, such rate shall be substituted for that provided herein.

[7] The Commission inadvertently omitted instituting a Section 206 investigation. This omission was corrected by order issued January 26, 1976.

1963, is fixed rate within the meaning of the Mobile-Sierra doctrine. However, Iowa in pleadings filed December 22, 1975, and January 12, 1976, raised the question of whether the contract had been amended by the conduct of the parties inasmuch as Sibley has taken energy at the RES–1 rate since April 1974. The Commission in its order of January 26, 1976, allowed this issue to be raised at the hearing; and pending disposition of the question, it accepted Iowa's proposed increase to Sibley wth a filing date of December 22, 1975, and suspended such increase until March 22, 1976, when it will go into effect subject to refund.

By motion filed January 19, 1976, Iowa requests that the Commission permit the proposed rate increase for all its customers to go into effect subject to refund on March 1, 1976. We have permitted this by our order of December 31, 1975, for all customers except the Cities of Ellsworth, Marathon, Tipton, State Center, Vinton, and Sibley. We believe that Iowa and Ellsworth in their service agreement only contemplated a change in rate prospectively after a section 206 investigation. With respect to the remainder of the Cities, we determined that two a month suspension was proper after expiration of the thirty day notice period from the date Iowa tendered the superseding service agreements and information. Based upon our review of Iowa's tender, we exercised our independent judgment and concluded that a two month suspension was proper and sufficient to protect the public interest and the parties to this proceeding. The period of suspension is a matter of agency discretion. "Municipal Light Boards v. F.P.C.," 450 F. 2d 1341, 1352 (1971). We will therefore deny Iowa's motion to the extent not already granted.

On January 27, 1976, Amana Refrigeration Company (Amana Refrigeration) petitioned for rehearing of the Commission's order of December 31, 1975, requesting that the Commission increase the suspension period from two months to five months for Iowa's proposed increase to Amana Society Service Company (Amana Society). Amana Refrigeration states that it is a manufacturer of major consumer goods such as refrigerators, freezers, air conditioners and microwave ovens. It states that it is the single largest end use customer of Iowa consuming approximately 13% of output. It states that it purchases power from Amana Society, and that when Iowa's increase to Amana Society goes into effect on March 1, 1976, the increased costs will be passed through to Amana Refrigeration immediately under its contract with Amana Society, resulting in an 88 percent increase. It states that it cannot raise its durable goods prices rapidly enough to recover these increased costs. As stated supra, the length of the suspension period is within our discretion. We have examined the record in this case and remain convinced that a two month suspension is proper. We will deny Amana Refrigeration's petition for rehearing filed on January 27, 1976.

On January 26, 1976, the IDG filed a petition for clarification and/or modification of the December 31, 1975, order. On January 27, 1976, Amana Refrigeration filed a petition for a declaratory order, clarification and/or modification of the same order. Both petitions request the Commission to amend or clarify its December 31, 1975, order as to whether Amana Society will be charged at the RES–1 rate or RES–2 rate when the increase goes into effect subject to refund on March 1, 1976. This issue was also raised in Part I of IDG's petition for rehearing of the December 31, 1975, order, filed January 21, 1976.

Iowa's filing indicates that it proposes to charge Amana Society at the RES–2 rate. The petitioners state that Iowa's contract on file provides that it shall pay at the RES–1 rate and that the RES–2 rate is inapplicable to a partial requirements customer such as Amana.

The service agreement for service to Amana Society, dated February 15, 1967, on file with this Commission prior to Iowa's tender of October 31, 1975, provides in Article IV that Amana Society shall pay the RES–1 rate. The RES–1 tariff similarly on file prior to Iowa's tender provides that the RES–1 rate is only available to partial requirements customers. Iowa's proposed RES–2 rate by its terms is only available to full requirements customers. We do not think that Iowa's service agreement for Amana Society dated February 15, 1967, on file permits Iowa to unilaterally shift Amana Society to the RES–2 full requirements rate. This issue was raised by IDG in its motion to reject, et al., filed December 8, 1975, and not contested by Iowa in its response filed December 22, 1975. The pleadings and affidavits of IDG and Amana Refrigeration filed January 26, 1976, and January 27, 1976, respectively, indicate that Amana Society has a hydro-electric generating plant that provided it with over two million k.w.h. of electricity in each of the years 1974 and 1975. The proposed RES–2 rate is thus inapplicable to Amana Society as indicated in the availability clause (Exhibit—JMD–1, First Revised Sheet 8.0). We will accordingly grant the various petitions directed to this point and amend our order of December 31, 1975, to provide that Amana Society will only be charged the proposed RES–1 rate, subject to refund, commencing on March 1, 1976. We shall also order Iowa to revise its case in chief so as to properly reflect cost allocation and revenues based on the status of Amana as a partial requirements customer.

As stated supra, on January 21, 1976, IDG filed a petition for rehearing and opposition to motions of Iowa.

In part I of its petition for rehearing, IDG protests the unilateral shift of Amana Society from RES–1 to RES–2 which relief we grant herein as discussed supra.

In part II, IDG argues that the Commission's interpretation of Articles IV and VIII as constituting a Memphis clause is erroneous. IDG argues that the "effective superseding" language of Memphis is distinguishable from the "lawful amendments" language of the service agreements. IDG points to § 35.04 of the Commission's regulations that Commission allowance of a rate schedule to become effective does not constitute approval by the Commission of such rate schedule. IDG argues that "lawful" constitutes official approval or authorization of a rate increase and that this can only come prospectively from Commission decision. IDG points to the Kansas Power and Light Company order, Docket No. ER76–39, issued December 22, 1975, where the Commission ruled that "authorized" as well as "approved" does not allow unilateral filings. IDG also points to the Arkansas-Missouri Power Company order, Docket No. E–9092, issued January 29, 1975, to show the various interpretations to which lawfully amended" is subject. IDG argues the well recognized contractual principle that ambiguous language should be construed against the drafter. In conclusion, IDG sums up that the service agreements between Iowa and the cutomers only permit an increase in rates after a section 206(a) investigation. However, we read the language in Article IV and VIII [8] as indistinguishable from the Memphis language [9] therefore allowing Iowa to file section 205 unilateral rate increases as pointed out in our December 31, 1975, order at mimeo pgs. 3–4.

In part III, IDG argues against the January 12, 1976, motion by Iowa as it pertains to Sibley which we ruled on in our order issued January 26, 1976. IDG argues that Sibley has only agreed to an amendment of an outdated and inappropriate rate and not to an amendment of the service agreement to allow unilateral rate filings. As our order issued January 26, 1976, specifies, the question of whether the service agreement for Sibley has been modified by subsequent conduct of the parties, to allow unilateral rate increase filings, can be contested in the hearing procedures previously established.

In part IV, IDG argues that we should reject Iowa's tender for failure to conform to § 35.13(b)(4)(iii) of the regulations in that Period II was not a valid estimated test year and lacked support. We believe that Iowa has complied sufficiently with our regulations for its tender to be assigned a filing date and not rejected. However, the question of whether Iowa's Period II estimates are valid and sufficiently supported to justify a rate increase can be addressed during

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[8] Supra, footnote 4.

[9] "All gas delivered hereunder shall be paid for by Buyer under Seller's Rate Schedule the appropriate rate schedule designation is inserted here, or any effective superseding rate schedules, on file with the Federal Power Commission. This agreement in all respects shall be subject to the applicable provisions of such rate schedules and to the General Terms and Conditions attached thereto and filed with the Federal Power Commission which are by reference made a part hereof." Emphasis the Court's 358 U.S. at 105.

the hearing procedures.[10] We have so stated in our December 31, 1975, order at mimeo pgs. 5–6).

In Part V, IDG requests that Iowa's tender be rejected as discriminatory under Section 205(b) of the Federal Power Act or summarily dismissed to the extent that Iowa's proposed rate increase, reflecting a return for Period II of 8.96 percent, is in excess of the return earned on total company operations of 5.55 percent for Period I and 7.66 percent for Period II. As we stated in our December 31, 1975, order at mimeo p. 5, we do not believe summary disposition of a rate increase is warranted on the basis of the allegation that the return requested for jurisdictional service is estimated to exceed the return for total company operations. We have no jurisdiction to set retail ratemaking standards and policies, nor do we establish the level of retail rates. We also do not set jurisdictional rates on the basis of retail rates over which we have no control.[11] Responsibility for retail rates lies with state and local bodies. The return earned on total company operations reflects the impact of retail operations.

We will accordingly deny IDG's petition for rehearing except for part I and to the extent we denied Iowa's January 19, 1976 motion.

On February 9, 1976, Iowa filed a response to the petitions for rehearing and other relief filed by IDG and Amana Refrigeration. On February 9, 1976, IDG filed a motion to strike Iowa's response, alleging that Iowa's pleading does not lie. Thereafter, Amana Refrigeration filed supplemental information to its motion for a declaratory order and other relief. We have examined these pleadings and they do not alter our result herein. Accordingly, we do not reach the question in IDG's motion that Iowa's response does not lie.

The Commission finds. Good cause exists to grant in part and deny in part the petitions for rehearing and other relief and amend our order of December 31, 1975, as specified infra.

The Commission orders. (A) Iowa's motion to make effective its rate increase for all customers on March 1, 1976, subject to refund, filed on January 19, 1976, is denied.

(B) The petition for rehearing of Amana Refrigeration filed on January 27, 1976, is denied.

(C) The petition for clarification, filed by IDG on January 26, 1976; the petition for a declaratory order, filed by Amana Refrigeration on January 27, 1976; and Part I of IDG's petition for rehearing, filed January 21, 1976, are hereby granted. Our order issued December 31, 1975, is amended to permit Iowa to charge Amana Society at the proposed RES–1 rate effective March 1, 1976, subject to refund.

(D) The remainder of IDG's petition for rehearing, filed January 21, 1976, is denied to the extent not granted, supra.

(E) Iowa shall, within 30 days of the issuance of this order, file such revisions as are necessary to its case in chief so as to properly reflect cost allocation and revenues based on the status of Amana as a partial requirements customer.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary

[FR Doc.76–5349 Filed 2–24–76;8:45 am]

[10] Order No. 487, Docket No. R–463, issued July 17, 1973, mimeo p. 3; Order Denying Rehearing of Order No. 487, issued September 14, 1973, mimeo p. 3; affirmed American Public Power Association v. FPC, 522 F. 2d 142 (D.C. Cir. 1975). Section 205(e) of the Federal Power Act.

[11] Cf. Conway Corp. v. FPC, 510 F. 2d 1264 (1975), cert. granted, ——U.S.—— (1975), 44 U.S.L.W. 3270, Case No. 75–342.

[Docket Nos. ER76–39 and ER76–340]

KANSAS POWER & LIGHT CO.

Order Accepting Notice of Termination and Revised Contract, Denying Motion To Reject, Granting Intervention, and Consolidating Proceedings

FEBRUARY 20, 1976.

On December 8, 1975, as completed on January 21, 1976, the Kansas Power & Light Company (KPL) tendered for filing in Docket No. ER76–340 a Notice of Termination and form of contract to the City of Herington, Kansas (Herington) for wholesale service to that community. KPL states that the Notice of Termination is intended to terminate its January 23, 1956 contract with Herington incorporating its FPC Rate Schedule No. 56,[1] and that the proposed unexecuted contract is intended to substitute the new rate, MWH–75, for service to Herington. The proposed effective date is February 23, 1976, and the net billing for the twelve months succeeding the proposed change in agreements is stated to be $38,497.80.

Notices of the December 8, 1975 and January 21, 1976 filings were issued on December 16, 1975 and January 27, 1976, respectively, with protests and petitions to intervene due on or before December 26, 1975 and February 13, 1976. A protest, motion to reject, and petition to intervene was filed by Herington on December 29, 1975.

Herington alleges that KPL's proposed cancellation of its FPC Schedule No. 56 serves to not only substitute KPL's proposed MWH–75 Rate Schedule [2] therefor, but also terminates the present interconnection relationship between the parties and forcibly converts Herington into an all-requirements customer. Herington proposes that the Commission maintain the status quo in terms of rates and conditions of service to itself from KPL pending a proposed Section 206 investigation concerning the company's filed changes.

On December 22, 1975 we issued, in Docket No. ER76–39, an order in which we noted, inter alia, that KPL had filed in Docket No. ER76–340, the required notice of termination in order to terminate its 1956 contract with Herington. We further noted that by previous order in ER76–39,[3] we had accepted the proposed change in rates as to Herington to become effective on February 23, 1976, subject to refund. We therefore expressly conditioned that acceptance and the effectiveness of KPL's proposed increase as to Herington upon our subsequent acceptance of KPL's filing terminating the Herington contract in ER76–340.

We do not believe that Herington states good cause for us to reject KPL's filing and maintain the status quo pending resolution of a section 206 investigation. KPL has filed the required notice of termination and a superseding unexecuted contract for service to Herington which we permitted to become effective February 23, 1976, by our order of December 22, 1975 in Docket No. ER76–39. Questions as to the rate level for the service to Herington involve complex issues of cost allocation and rate design which should be developed at the hearing in Docket No. ER76–39, with which we shall consolidate the instant proceeding.

We will therefore permit Herington's intervention in this proceeding, deny Herington's motion to reject, and consolidate the issues raised herein for hearing and decision with the procedural schedule established in ER76–39.

The Commission finds. (1) It is desirable and in the public interest to allow the above-named petitioner to intervene.

(2) Good cause has not been shown to grant Herington's motion to reject.

(3) Good cause has been shown to accept KPL's Notice of Termination of its 1956 contract with Herington.

(4) Good cause has been shown to accept KPL's proposed revised contract for service to Herington, and the rates incorporated therein, subject to refund.

The Commission orders. (A) KPL's Notice of Termination is hereby accepted for filing with no effective date to be assigned. It shall be designated as Appendix A to Rate Schedule No. 56.

(B) Pending a hearing and decision thereon, KPL's proposed revised contract for service to Herington, and the rates and charges incorporated therein, are accepted for filing to become effective February 23, 1976, subject to refund.

(C) The procedure provided for in ordering paragraph (B) above shall be consolidated with that established in Docket No. ER76–39 by order issued August 29, 1975 for purposes of hearing and decision.

(D) The motion to reject of Herington is hereby denied.

(E) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to

[1] We shall designate the notice of termination as Appendix A to Rate Schedule No. 56.

[2] As proposed, suspended, and set for hearing in Docket No. ER76–39.

[3] Dated August 29, 1975.

intervene: *And Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5352 Filed 2-24-76;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Order Accepting for Filing and Suspending Revised Fuel Adjustment Clause and Denying Waiver

FEBRUARY 20, 1976.

On January 22, 1976, Metropolitan Edison Company (Met-Ed) tendered for filing revised fuel cost adjustment clauses[1] for all-requirements service to Hershey Electric Company and the Boroughs of Kutztown, Goldsboro, Lewisberry and Royalton, Pennsylvania, and partial-requirements service to Allegheny Electric Cooperative, Inc. (Allegheny). Met-Ed states that its filing is to correct inadvertent errors in its filing of October 31, 1975, in the above-captioned docket where the Commission by order issued November 25, 1975, suspended the increased rates for one month and made them effective January 1, 1976, subject to refund.

Met-Ed states that revised Statement O is tendered for the purpose of correcting two line items, which together result in a change of the Base Fuel Cost (Statement O, Line 25) to 13.232 mills/kWh from 13.369 mills/kWh. According to Met-Ed, the revised fuel cost adjustment clauses are changed only to the extent that the base fuel cost utlized therein corresponds to that figure as recorded in a corrected Statement O submitted by Met-Ed. Met-Ed states that other than the revised base fuel cost and a revised Statement O, the original filing is unaffected by the errors, including the cost of service, the rate of return, and the projected revenue comparison. Met-Ed has requested waiver of notice requirements to permit an effective date for the revised base cost of fuel of January 1, 1976, the date the fuel clause and the increased rates became effective, subject to refund in accordance with the Commission's order issued November 25, 1975.

Notice of the filing was issued on January 30, 1976, with responses due on or before February 13, 1976.

On January 30, 1976, Hershey Electric Company (Hershey), an intervenor in the above-captioned proceeding, submitted a letter dated January 28, 1976. Hershey states that billings to its own customers are based on the fuel adjustment charges paid to Met-Ed under the fuel clause made effective by the Commission on January 1, 1976, and that application of the corrected fuel adjustment clause will result in increased charges to Hershey. Hershey has already rendered bills to 60 percent of its customers based on the presently effective fuel clause, and retroactive application of the revised clause would result in under-recovery of revenues by Hershey from its customers. Thus, Hershey contends that waiver of the 30-day notice requirement would be prejudicial to it.

Our review of Met-Ed's instant filing, Hershey's objection, and the prior filing in this docket, indicates that there is reason for not granting the waiver of the notice requirement requested by Met-Ed. As alleged by Hershey, a waiver of the notice requirement would constitute a retroactive increase in the rate charged to Met-Ed's customers and cause Hershey to under recover revenues for the increase it is passing on. Accordingly, we shall accept for filing and suspend for one day Met-Ed's revised fuel clause, to become effective as of February 23, 1976, subject to refund, as hereinafter ordered.

The Commission finds. (1) Good cause has not been shown to waive the thirty day notice requirement with respect to Met-Ed's revised fuel adjustment clause.

(2) Met-Ed's revised fuel adjustment clause, submitted January 22, 1976, should be accepted for filing and suspended for one day to become effective February 23, 1975, subject to refund.

The Commission orders. (A) Met-Ed's revised fuel adjustment clause, tendered for filing in this proceeding on January 22, 1976, is hereby accepted for filing and suspended for one day to become effective as of February 23, 1976, subject to refund.

(B) Met-Ed's request for waiver of the thirty-day notice requirement is hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5347 Filed 2-24-76;8:45 am]

[Docket No. CP76-252]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application and Petition

FEBRUARY 18, 1976.

Take notice that on February 9, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-252 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure and an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to reschedule deliveries to three of its customers, Northern Illinois Gas Company (NI-Gas), The Peoples Gas Light and Coke Company (Peoples) and North Shore Gas Company (North Shore), and to recover in its rates the costs associated with such rescheduling of deliveries, all as more fully set forth in the application and petition which is on file with the Commission and open to public inspection.

Applicant asserts that these arrangements were entered into in order to assist Applicant in ameliorating the impact of the unforeseen curtailment experienced on its system this winter. Applicant states that it has entered into rescheduling agreements with NI-Gas, Peoples and North Shore (participating customers) under which Applicant would request that it be permitted to reduce deliveries to these participating customers during the period February 2, 1976, through March 31, 1976, by up to the following volumes:

[In 1,000 ft³]

Customer	Daily maximum up to—	Seasonal maximum
NI-Gas	200,000	6,381,000
Peoples	155,000	4,916,000
North Shore	25,000	793,000

Applicant asserts that the participating customers would accede to Applicant's request to the extent that, in the customer's sole discretion, operating conditions on its system would permit.

Applicant indicates that of its total daily request under the three agreements, Applicant would request 53.176 percent from NI-Gas, 40.963 percent from Peoples, and 5.861 percent from North Shore and to the extent any of these three participating customers did not accede to Applicant's request, Applicant could attempt to fulfill its request by additional requests from other participating customers which did accede to Applicant's request, within the limitations on daily maximum and seasonal maximum delivery reductions for each participating customer. Applicant further indicates that to the extent that deliveries are reduced under these rescheduling agreements during February and March 1976, Applicant would deliver thermally equivalent volumes during the period April 1, 1977, through September 30, 1977, at times and in quantities mutually agreeable to the parties and that such deliveries would not be subject to curtailment. The agreements expire on September 30, 1977.

Applicant states that for all volumes of reduced deliveries, it would pay the participating customer, as a consideration for rescheduling deliveries, $1.17 per Mcf. Applicant seeks to recover the rescheduling charge through the purchased gas adjustment clause of its FPC Gas Tariff.

Applicant further states that in order to effectuate the rescheduling of deliveries proposed herein, it requests a limited-term certificate of public convenience and necessity to expire on September 30, 1977, the date of the expiration of the agreements; a declaratory order that Applicant's curtailment plan, including sections 22 and 23 of its FPC

[1] The filing is designated as: Metropolitan Edison Company (1) Fourth Revised Sheet No. 17 to FPC Electric Tariff Original Volume No. 1 (Supersedes 3rd Revised Sheet No. 17); (2) Supplement No. 11 to Rate Schedule FPC No. 43 (Supersedes Supp. No. 9).

Gas Tariff and other present and future provisions of the Tariff governing curtailment, will not be applicable to this proposed rescheduling of deliveries, and that the deliveries to Applicant's customers under the rescheduling agreement will not be subject to curtailment thereunder; and a declaratory order that the expenses incurred by Applicant can be reflected in its rates, as a component of purchased gas costs, to be recovered as provided in § 154.38(d)(4) of the Commission's regulations and section 18 of Applicant's Tariff.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before March 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5322 Filed 2-24-76;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Further Extension of Time

FEBRUARY 18, 1976.

On February 18, 1976, Staff Counsel filed a motion to further extend the time for filing briefs opposing exceptions to the Presiding Administrative Law Judge's Initial Decision issued in Docket No. E-8721 on November 12, 1975, as most recently extended by notice issued February 3, 1976.

Notice is hereby given that the time for filing briefs opposing exceptions in the above matter is extended for all parties from February 20, 1976 to and including February 27, 1976.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5481 Filed 2-24-76;8:45 am]

[Docket No. ER76-291]

NEW ENGLAND POWER POOL AGREEMENT

Order Granting Waiver and Amending Effective Date Subject to Refund

FEBRUARY 20, 1976.

On January 9, 1976, the New England Power Pool (NEPOOL) Executive Committee filed a request under § 35.11 of the Commission's regulations that the Commission waive the notice requirements of § 35.3 and that the amendment to the NEPOOL Agreement[1] filed on November 24, 1975, be permitted to become effective as of June 14, 1975.

By order issued December 24, 1975, in the above-referenced docket, the Commission accepted for filing a supplement to the NEPOOL Agreement providing for uniform rules for calculating certain transmission (Lower Voltage PTF) costs of the NEPOOL Participants and, although an effective date of June 14, 1975 had been requested, assigned to said filing an effective date of December 24, 1975, thirty days after the filing date. The Commission further ordered the NEPOOL Participants to refund all amounts collected under the supplement prior to December 24, 1975, "without prejudice to their filing with the Commission within fifteen days of the issuance of this order a request that the Commission accept the submittal to be effective as of June 14, 1975, their proposed effective date, based on an agreement by the NEPOOL Participants that the rates charged under the agreement will be subject to refund as of that effective date pending final disposition following the conclusion of the hearing ordered."[2]

According to the NEPOOL Executive Committee, it has been authorized by the NEPOOL Participants which received or were eligible to receive payments between June 14, 1975 and December 24, 1975, pursuant to the supplement to advise the Commission of their agreement that any such payments for such period are subject to refund pending the outcome of the Commission hearing established by the order. Therefore, the NEPOOL Executive Committee requests that our thirty day notice requirement be waived and that the supplement to the NEPOOL Agreement filed in this docket be permitted to be effective as of June 14, 1975, subject to refund. We shall grant the request as hereinafter ordered.

The Commission finds. Good cause exists to waive the thirty day notice requirement of our regulations and permit NEPOOL's November 24, 1975, filing in this docket to become effective as of June 14, 1975, subject to refund from that date.

The Commission orders. (A) The requested waiver of § 35.3 of the Commission's regulations is granted with respect to the filing tendered November 24, 1975, in this docket on behalf of the NEPOOL Participants.

(B) The supplement to the NEPOOL Agreement tendered November 24, 1975, in this docket and accepted for filing to become effective December 24, 1975, by order issued December 24, 1975, is hereby permitted to become effective June 14, 1975, subject to refund from that date.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5346 Filed 2-24-76;8:45 am]

[1] Designated as: NEPOOL Supplement No. 9 to Rate Schedule FPC No. 2.

[2] Paragraph (C) of Order at p. 4.

[Docket No. CP76-247]

NORTHERN NATURAL GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

Application

FEBRUARY 19, 1976.

Take notice that on January 30, 1976, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Panhandle Eastern Pipe Line Company (Panhandle Eastern), P.O. Box 1642, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in Kansas, Oklahoma, and Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that on September 2 and September 8, 1975, Mesa Petroleum Co. (Mesa) and Anadarko Production Company (Anadarko), respectively, filed applications in Docket Nos. CI76-131 and CI76-140, respectively, requesting authorization of the Commission to sell natural gas in interstate commerce to Applicants[1] from wells in the Buffalo Wallow-Granit Wash Field, Hemphill County, Texas. Applicants further state that these wells would be directly connected to Northern's pipeline system, and the portion of the gas to be sold to Panhandle Eastern would be delivered to it pursuant to a gas exchange agreement of August 11, 1957, providing for the exchange of gas from deep wells. Applicants request Commission authorization to implement the gas exchange agreement in respect to the sales proposed to be made by Mesa and Anadarko in the aforementioned dockets. The agreement also provides for the exchange of gas produced from other locations in Kansas, Oklahoma, and Texas. Applicants also

[1] In the applications filed in Docket Nos. CI76-131 and CI76-140 Mesa and Anadarko propose to sell gas only to Panhandle Eastern.

request that the Commission authorize the exchange of natural gas by Applicants from shallow wells in the Hugoton Field in Kansas and Oklahoma pursuant to another gas exchange agreement dated August 11, 1957. Under both agreements gas committed to either Applicant would be connected to the pipeline system of the other Applicant for exchange when it would be most economical to do so.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5344 Filed 2-24-76;8:45 am]

[Dockt No. ER76-506]

OHIO POWER CO.

Tariff Change

FEBRUARY 19, 1976.

Take notice that American Electric Power Service Corporation (AEP) on February 9, 1976, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 5 dated January 15, 1976 to the Facilities and Operating Agreement dated May 1, 1976, between Ohio and The Dayton Power and Light Company (Dayton) designated Ohio Rate Schedule FPC No. 36.

AEP states that Section 1 of Modification No. 5 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month, both schedules proposed to become effective January 20, 1976. AEP states further that since the use of Short Term and Limited Term Power cannot be accurately determined, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP states that, in order to improve the reserve position of Dayton, Short Term Power service to Dayton was requested to be initiated under Modification No. 5 on January 20, 1976. For this reason, AEP requests waiver of the 30-day notice requirement of the Commission's regulations to permit service under Modification No. 5 to commence as of January 20, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Secretary.

[FR Doc.76-5326 Filed 2-24-76;8:45 am]

[Docket No. ER76-301]

PENNSYLVANIA ELECTRIC CO.

Order Granting Intervention Out of Time

FEBRUARY 19, 1976.

On January 23, 1976, Waterford Township, Waterford Borough and Fort Le Boeuf School District (Petitioners) tendered for filing with the Commission a joint petition to intervene in the instant proceeding. Petitioners state that the Christmas and New Year holidays delayed the filing of their petition.[1] Petitioners state further that if permitted to intervene out of time, they will not delay the proceedings in this docket.

We conclude that Petitioners should be allowed to intervene in this proceeding.

The Commission further finds. Participation in this proceeding by Petitioners may be in the public interest.

The Commission orders. (A) Petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of Petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; *And Provided, further,* That the admission of Petitioners shall not be construed as recognition by the Commission that Petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5345 Filed 2-24-76;8:45 am]

[1] By public notice issued December 10, 1975, we established December 22 ,1975 as the deadline for filing petitions to intervene in the instant proceeding.

[Docket No. CP76-253]

PEOPLES GAS LIGHT AND COKE CO. AND NORTH SHORE GAS CO.

Petition for Declaratory Order

FEBRUARY 18 ,1976.

Take notice that on February 9, 1976, The Peoples Gas Light and Coke Company (Peoples) and North Shore Gas Company (North Shore) (Petitioners), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-253 a petition for an order declaring that the exemptions of Peoples and of North Shore under section 1(c) of the Natural Gas Act will be unaffected by the proposed rescheduling of deliveries of gas proposed by Natural Gas Pipeline Company of America (Natural) in the proceeding pending in Docket No. CP76-252, all as more fully set forth in the subject petition which is on file with the Commission and open to public inspection.

Petitioners assert that they have entered into agreements with Natural dated February 2, 1976, under which and subject to the terms and conditions thereof Natural would reschedule deliveries of natural gas to Peoples and North Shore, and that said agreements permit Natural to request a reduction in such gas deliveries during the period February 2, 1976 through March 31, 1976, as follows:

[In 1,000 ft³]

Customer	Daily maximum up to—	Seasonal maximum
Peoples	155,000	4,916,000
North Shore	25,000	703,000

Petitioners state that they would accede to Natural's request to the extent that, in the sole discretion of Peoples and North Shore, operating conditions on their respective systems would permit.

The petition indicates that Natural has also entered into a third rescheduling agreement with Northern Illinois Gas Company (NI-Gas) and that of the total daily requests for reduction in gas deliveries under all three rescheduling

agreements, Natural will request 40.963 percent from Peoples and 5.861 percent from North Shore. Petitioners state that to the extent one of the participants does not accede to Natural's request, Natural could make additional requests from other participants, within the daily and seasonal maximum volume limitations stated above. It is indicated that Natural will make deliveries to Peoples and North Shore, thermally equivalent to the reductions in deliveries described above, during the period April 1, 1977, through September 30, 1977, at times and in quantities agreeable to the parties, and that these deliveries would not be subject to Natural's curtailment. Said agreements both expire on September 30, 1977.

Petitioners state that for all volumes by which deliveries are reduced under the agreements, Natural will pay to Peoples and North Shore a rescheduling charge of $1.17 per Mcf.

Petitioners allege that the agreements are intended as a temporary arrangement to assist Natural in meeting the anticipated market requirements of its other customers during the remainder of the 1975–76 winter heating season. Further, it is stated that all natural gas deliveries to Peoples and North Shore will be received within the State of Illinois for ultimate consumption therein.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5321 Filed 2-24-76;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Supplemental Filing

FEBRUARY 18, 1976.

Take notice that The Potomac Edison Company, on February 12, 1976, tendered for filing revised cost data and supporting testimony in the above captioned proceeding. The Company also submitted amended rate schedules designed to reflect such revised cost data. By letter dated November 20, 1975, the Commission informed the Company that its original filing of November 4, 1975, was deficient and that revised data would be required to be filed to cure such filing deficiency.

As revised by the instant filing, the proposed rates would result in an increase in revenues of approximately $1.7 million based on the 12-month period ended February 29, 1976. The proposed effective date for the increased rates is December 5, 1975, as originally requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5340 Filed 2-24-76;8:45 am]

[Docket No. ER76-505]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Tariff Changes

FEBRUARY 18, 1976.

Take notice that on February 9, 1976 Public Service Company of New Hampshire (PSNH) tendered for filing rate schedule supplements or superseding rate schedule exhibits increasing its rates for service to all of its firm wholesale for resale customers. The customers affected by this filing and the FPC rate schedule designations are:

Concord Electric Company	FPC No. 24
Town of Ashland, New Hampshire	FPC No. 28
The New Hampton (New Hampshire) Village Precinct	FPC No. 29
Exeter & Hampton Electric Company	FPC No. 35
New Hampshire Electric Cooperative, Inc.	FPC Nos. 50 & 71
Town of Wolfeboro, New Hampshire	FPC No. 72

The proposed changes would increase revenues from the affected jurisdictional sales and service by $4,394,187 or 19.7 percent based on test year 1976. The Company requests that the increase be allowed to become effective on March 10, 1976.

The filing would increase the demand charge from $2.95 to $3.30 per kva and the energy charge from 1.754 to 2.206 cents per kwh. The filing would also increase the minimum charge from $200.00 to $300.00. Finally, the filing eliminates a provision in Rate Schedule FPC No. 50 applicable to the New Hampshire Electric Cooperative, Inc. which required that customer to pay a special monthly charge of $71.33 to cover the carrying charges on certain equipment which formerly was used exclusively by that customer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5320 Filed 2-24-76;8:45 am]

[Docket No. ER76-503]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Tariff Revision Filing

FEBRUARY 19, 1976.

Take notice that on February 5, 1976, Public Service Electric and Gas Company (PSE&G) tendered for filing a two-sheet revision to Rate Schedules FPC No. 53 and No. 54, (applicable to the Boroughs of Milltown & South River, respectively) which became effective November 1, 1975, in Docket No. ER76-156. PSE&G states that no rate increase is involved in the proposed revision.

PSE&G further states that the purpose of the revision is to include language extending to the customer municipalities discounts equal to taxes based on gross receipts when sales are exempt from taxes paid by PSE&G on gross receipts under New Jersey law. PSE&G states that the revision is required by a rule adopted by order of March 6, 1975, by the New Jersey State Department of the Treasury, and requests that the changes be permitted to become effective as of November 1, 1975 so that the inadvertent error in Gross Receipts Tax factor may be corrected promptly.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5327 Filed 2-24-76;8:45 am]

[Docket No. ER76-509]

PUGET SOUND POWER & LIGHT CO.

Filing of Initial Rate Schedule

FEBRUARY 18, 1976.

On February 10, 1976, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule for the sale of non-firm thermal energy and a Service Agreement thereunder between Puget and Southern California Edison Company (SCEC). Puget requests waiver of the Commission's notice requirements pursuant to § 35.11 of its regulations to permit said rate schedule to become effective on February 5, 1976, the date on which service to SCEC commenced.

Puget states that the schedule provides for sale of non-firm energy at such times and in such amounts as Puget in its sole discretion determines, and that therefore estimates of transactions or revenues under this schedule cannot be made. Puget further states that the rate is essentially an incremental cost rate plus additional compensation for investments not to exceed 100% of such investment costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5325 Filed 2-24-76;8:45 am]

[Project No. 559]

SAN DIEGO GAS & ELECTRIC CO.

Issuance of Annual License

FEBRUARY 19, 1976.

On March 4, 1974, San Diego Gas & Electric Company, Licensee for Project No. 559, located in San Diego County, California, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The minor-part license for Transmission Line Project No. 559 was issued effective March 5, 1925, for a period ending March 4, 1975. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to San Diego Gas & Electric Company for continued operation and maintenance of Project No. 559.

Take notice that an annual license is issued to San Diego Gas & Electric Company (Licensee) under the Federal Power Act for the period March 5, 1976, to March 4, 1977, for the project, whichever comes first, for the continued operation and maintenance of Project No. 559, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5343 Filed 2-24-76;8:45 am]

[Docket No. ER76-205]

SOUTHERN CALIFORNIA EDISON CO.

Order Granting in Part and Denying in Part Application for Rehearing

FEBRUARY 18, 1976.

On October 31, 1975, Southern California Edison Company (Edison) tendered for filing certain increased rates for service to its wholesale customers, seeking to increase such rates by $16,891,000 annually. By order issued December 31, 1975, we, *inter alia*, accepted the proposed rate increase for filing and suspended the use thereof for one month, denied motions to reject and motions for summary disposition, granted petitions to intervene, and established procedures. On January 30, 1976, Cities [1] filed an Application of Rehearing of our December 31 order, seeking a five month suspension of the proposed rate increase and expedited consideration of one issue raised by the rate increase filing. For the reasons hereinafter stated, we shall grant in part and deny in part the Application for Rehearing.

Initially, Cities seek rehearing of the one month suspension of the increased rates, requesting that they be suspended for the full five month statutory period. In support of this request, Cities state that $4,484,000 of the $16,891,000 increase is premised on comprehensive interperiod tax allocation, or normalization, exclusive of accelerated depreciation of post-1969 expansion property. (See discussion *infra*) Cities allege that less than a five month suspension would be burdensome, especially since so great a part of the increase is based on tax normalization. Our authority to suspend rate increases under section 205(e) of the Federal Power Act is a matter entrusted to our discretion. Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C., 450 F.2d 1341 (C.A.D.C. 1971). We have reviewed completely the material contained in Edison's filing and the pleadings of its customers filed herein. Insofar as we are providing for summary disposition, if appropriate, on the normalization issue, we see no reason to alter the one month suspension previously ordered.[2]

[1] An intervenor herein, consisting of the Cities of Anaheim Riverside, Banning, Colton, and Azusa, California.

[2] We of course do not say that, if such procedure or possibility of summary disposition were not present, a modification of the suspension period would be appropriate.

Cities also urge reconsideration of our denial of its Motion for Summary Disposition of Edison's use of tax normalization. As an apparent alternative, Cities request that this issue be severed from the rest of the issues in this proceeding and set for a separate, expedited hearing and decision. While we do not provide the relief requested, we shall grant rehearing with regard to Edison's use of tax normalization and provide for prompt resolution of this question, to the extent that it is appropriate.

Cities point out that Edison filed its proposed rate increase before the issuance of Order No. 530-A [3], wherein we clarified the showing that a utility must make to support the use of tax normalization, *i.e.* "that a tax deferral rather than a tax saving would occur and that tax normalization, with respect to that class of items, is therefore appropriate." (Order No. 530-A, mimeo at 6). Cities state further that, at the prehearing conference held January 28, 1976, the Presiding Administrative Law Judge: *Provided*, That Edison could file additional testimony in support of its use of tax normalization by February 18, 1976. We shall herein order that any party seeking summary disposition of Edison's use of tax normalization shall file a motion to that effect within 15 days of the filing of additional evidence, if any, by Edison. Any party opposing such relief may of course answer such motion within 15 days thereafter. We shall then review Edison's evidence, if any, and the pleadings. To the extent that relief, including rate reductions and refunds, is appropriate as a matter of law, we shall grant it at that time. However, to the extent that factual issues may remain, we believe that disposition of such issues should remain as part of the evidentiary hearing previously ordered herein and that resolution of such issue should proceed in accordance with the schedule established by the Presiding Judge or as he may hereafter modify it. Accordingly, except to the extent provided herein, we shall deny Cities' request for a separate, expedited hearing and decision on Edison's use of tax normalization.

The Commission finds. Nothing contained in Cities' Application for Rehearing raises any issues of fact or law not considered before or, being considered herein, to justify granting rehearing of our order of December 31, 1975, except to the extent hereinafter ordered and as may be ordered pursuant to the procedure hereinafter ordered.

The Commission orders. (A) Edison shall file additional evidence, if any, in support of its proposed use of tax normalization on or before February 18, 1976, as provided by the Presiding Administrative Law Judge.

(B) Within 15 days thereafter, any party seeking summary disposition of Edison's use of tax normalization shall file a motion to that effect.

(C) Any party opposing summary disposition may file a response to any mo-

[3] Docket Nos. R-424 and R-446, issued January 19, 1976.

tion within 15 days after the filing of such motion.

(D) In all other respects, Cities' Application for Rehearing is denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5342 Filed 2-24-76;8:45 am]

[Docket No. RP72-74, RP74-6]

SOUTHERN NATURAL GAS CO.

Extension of Time

FEBRUARY 18, 1976.

On February 4, 1976, Southern Natural Gas Company (Southern) filed a motion to extend the time to file the demand charge adjustment tracking provision required by ordering paragraph (F) of Opinion No. 747.

On February 6, 1976, Atlanta Gas Light Company filed an answer opposing Southern's motion.

Notice is hereby given that the time for Southern to file the above indicated demand charge adjustment tracking provision is extended from February 19, 1976 until ten days following issuance of the Commission's order on rehearing and stay of Opinion No. 747.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.76-5323 Filed 2-24-76;8:45 am]

[Docket No. CP76-16]

TENNECO LNG, INC.

Order Granting Modified Motion Requesting Establishment of Procedures

FEBRUARY 18, 1976.

On January 19, 1976, Tenneco LNG, Inc. (Tenneco) filed a motion modifying its previous motion for an Order Establishing Procedures. Tenneco's original motion, filed October 20, 1975, requested the scheduling of dates certain for the filing of direct testimony, cross-examination of such testimony, and filing of answering testimony on the so-called Phase I (environmental and public safety issues) aspect of the proceedings. Answers in opposition to Tenneco's October 20 motion were filed by the Public Advocate of New Jersey, by the Commonwealth of Pennsylvania Department of Environmental Resources, and by the State of New Jersey. Pursuant to § 1.12(e) of the Commission's rules of practice and procedure, the motion was deemed denied as of November 19, 1975.

Tenneco's modified motion renews its previous request for expeditious processing of its application, but specifically asks only that February 17, 1976 be established as the date for the submission of Tenneco's direct testimony on the environmental and safety issues. Tenneco's modified motion does not request dates for the convening of formal hearing or submission of answering testimony, although petitioner states that it intends to renew such request "at an appropriate time." In support of its motion, Tenneco alleges that evidence of expeditious movement of its application through the administrative process is critical to its ongoing negotiations of contracts for LNG supplies, and states that the Commission Staff does not oppose its request for a filing date.

A response in opposition to Tenneco's modified motion was filed jointly by the Public Advocate of New Jersey, National Park and the Commonwealth of Pennsylvania on February 2, 1976. Additionally, the State of New Jersey, Attorney General's Office filed in opposition on February 9, 1976.

The Commission believes that the establishment of a date for the filing of certain limited testimony by Tenneco is in the public interest at this time. Without burdening any party other than petitioner, the scheduling of the date requested will assist the movement of this proceeding in the most expeditious manner possible at this time, given the limited nature and extent of the application which has been filed. In reserving a decision on whether the hearings should be "phased" in the manner proposed by Tenneco until sufficient data has been filed to justify the scheduling of hearing dates, we are not prejudicing any rights of any party by establishing the date requested by Tenneco. Contrariwise, the Commission's action herein assures the protection of all interested parties' rights while moving the proceedings forward in a way which safeguards proper administrative procedure.

In view of the foregoing:

The Commission orders. The direct case of Tenneco LNG, Inc. on the environmental and public safety issues shall be filed on February 17, 1976, in the manner proposed in Tenneco's modified motion filed on January 19, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5341 Filed 2-24-76;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Refund Report

FEBRUARY 17, 1976.

Take notice that on February 9, 1976, Wisconsin Public Service Corporation (WPSC) tendered for filing a report showing the refunds with interest that each customer received in the January billing in compliance with the Commission's order issued December 9, 1975, which approved a settlement in the above captioned docket, according to WPSC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5339 Filed 2-24-76;8:45 am]

FEDERAL RESERVE BOARD

CAPITAL FIRST CORP.

Order Denying Formation of Bank Holding Company

Capital First Corporation (formerly Capital Equipment Leasing Corporation), Philadelphia, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to remain a bank holding company through the indirect retention of 64 per cent of the voting shares of State National Bank of Maryland, Rockville, Maryland ("Bank") through the retention of approximately 67 per cent of the voting shares of Eastern Bancorporation, Philadelphia, Pennsylvania ("Eastern"), a registered bank holding company presently owning 64 per cent of the voting shares of Bank.

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of general equipment leasing on a full payout basis. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)(a)), subject to the Board's approval of individual applications.

Notice of receipt of the applications, affording opportuninty for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, along with another affiliated corporation (Aircraft Acceptance), is located on the middle tier of a five-tiered network of affiliated corporations in which all the corporations with the exception of Applicant and Bank (which is located at the bottom of the structure) are registered bank holding companies. As part of an internal reorganization among the affiliated corporations, Applicant became a bank holding company without the prior approval of the Board, as required by section 3 of the Act, when Applicant received 50 per cent of the outstanding shares of Eastern from State Bancshares, its parent, in exchange for a cancellation of an indebtedness. Subsequently, Eastern issued additional shares to Applicant in return for cash and the forgiveness of indebtedness. The present application is for the Board's permission to remain as a bank

holding company. While Applicant became a bank holding company without the Board's prior approval, the Board has nonetheless considered the present application and, even absent the fact that the transaction was in violation of the Act, is of the view that other facts of record indicate that the application to remain a bank holding company should be denied.

As noted above, Applicant is a bank holding company by virtue of its indirect interest in Bank.[1] Bank, with deposits of about $44.9 million,[2] controls less than one per cent of the total deposits in commercial banks in the relevant banking market,[3] and is one of the smaller banks in the market. Since Applicant has no other banking interest and the transaction whereby Applicant became a bank holding company did not alter the position of Bank in the market, it appears that Applicant's retention of its indirect interest would have no adverse effect on competition and, therefore, competitive considerations are consistent with approval of the application to remain a bank holding company.

Under the Bank Holding Company Act, the Board is required to consider the financial and managerial resources and future prospects of the applicant and the bank to be acquired, and in the exercise of that responsibility the Board has indicated on several occasions that an applicant should be a source of financial strength for its subsidiary bank(s). On the basis of the facts of record on this application, the Board is unable to conclude that Applicant possesses the necessary financial and managerial resources to warrant approval of the application to remain a bank holding company.

Even though Applicant became a bank holding company as a result of a transfer from an affiliated corporation, the Board believes that Applicant must satisfy the standards normally applied in one-bank holding company formations. In the Board's view, Applicant is unable to satisfy such standards. Although Bank reported profits for 1974 and 1975, Applicant incurred significant losses from its total operations during 1974 and indications are that there will be no significant change in 1975. Although Bank is in generally satisfactory condition, it is clear that, in view of its present financial condition, Applicant is not in a position to render any meaningful assistance to Bank if the need should arise. Accordingly, on the basis of the foregoing and other facts of record; the Board is of the view that considerations relating to the financial and managerial resources are sufficient to warrant denial of the subject proposal.

With respect to other considerations reflected in the record, there is no indication that the transfer of the indirect interest in Bank to Applicant resulted in any significant changes in Bank operations or services. Accordingly, considerations relating to the convenience and needs of the community to be served do not outweigh the adverse factors specified hereinabove.

On the basis of all the circumstances concerning this application, the Board concludes that the financial considerations involved in the proposal present adverse factors bearing on the financial condition and prospects of Applicant. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application for approval to remain a bank holding company should be, and hereby is, denied.[4]

Applicant is directed to take appropriate measures to effect a prompt divestiture of its indirect control of Bank and is hereby granted thirty days from the date of this order to effect said divestiture, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to authority hereby delegated.

By order of the Board of Governors,[5] effective [6] February 11, 1976.

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

[FR Doc.76-5271 Filed 2-24-76;8:45 am]

CLEVETRUST CORP.

Order Approving Acquisition of Banks

CleveTrust Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act ("Act") has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(c) to acquire: (1) 99.8 per cent of the voting shares of The Peoples-Merchants Trust Company, Canton, Ohio ("Peoples Bank"); (2) 98.7 percent of the voting shares of The Union Savings Bank and Trust Company, Steubenville, Ohio ("Union Bank"); and (3) 96.2 percent of the voting shares of The Scio Bank Company, Scio, Ohio ("Scio Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Ohio, controls five banks with aggregate deposits of approximately $3.1 billion, representing 10.3 percent of the total deposits in commercial banks in the State.[1] The three banks that Applicant proposes to acquire are presently controlled by Peoples BancShares, Inc., Canton, Ohio ("BancShares"), the 26th largest banking organization in the State, and are BancShares' only subsidiaries. Applicant proposes to acquire the above-stated percentages of the shares of the three banks from BancShares. Applicant's acquisition of these three banks would increase its share of total State deposits by 0.6 percent and would not significantly increase the concentration of banking resources in Ohio.

The three subject banks operate in three distinct markets.[2] Peoples Bank holds deposits of $128.6 million, representing 13.9 per cent of total deposits in commercial banks in the Canton banking market, and ranks as the third largest of 13 banking organizations operating therein. Union Bank holds deposits of approximately $42.8 million, representing 10.2 per cent of total commercial bank deposits in the Steubenville-Weirton banking market, and ranks as the fourth largest of 16 banks operating in that market. Scio Bank holds deposits of approximately $10.2 million and is the only bank operating in the Scio banking market. None of Applicant's banks are located in the markets where the three banks are located. From the facts of record, there is no indication that any meaningful competition presently exists between any of Applicant's subsidiary banks and the three subject banks; nor does it appear likely that any significant competition would develop in the foreseeable future due to the distances involved and Ohio's branching laws.

Although consummation of the proposed acquisitions would foreclose the

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[1] In addition to its indirect interest in Bank, Applicant has been engaged in general equipment lease financing domestically since 1967 and through a Brazilian subsidiary since 1972. An application for the retention of this Brazilian subsidiary has been denied by the Board, effective, February 11, 1976.

[2] All banking data are as of June 30, 1975.

[3] The relevant banking market is approximated by the Washington, D.C. SMSA (Standard Metropolitan Statistical Area).

[4] In view of the Board's action with respect to the application to remain a bank holding company, consideration of the section 4(c)(8) application to retain the leasing activities becomes moot.

[5] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

[6] Board action was taken while Governor Bucher was a Board member. Board action was taken before Governor Partee became a Board member.

[1] All banking data are as of June 30, 1975, and reflect holding company formations and acquisitions approved through January 31, 1976.

[2] The relevant geographic markets for purposes of analyzing the competitive effects of the proposed acquisitions are described by the following:

—The Canton banking market is approximated by all of Stark County, excepting therefrom Lawrence Township and the western half of Lake Township; Smith Township and the western half of Lake Township; Smith Township in Mahoning County; Lawrence and Sandy Townships in Tuscarawas County; and Augusta, Brown, East and Rose Townships in Carroll County, all in Ohio.

—The Steubenville-Weirton market is approximated by Jefferson County, Ohio, excepting therefrom Brush Creek, Ross, Springfield, and Wayne Townships; and Clay and Butler Townships in Hancock County, and Cross Creek Township in Brooke County, all in West Virginia.

—The Scio market is approximated by the village of Scio, Ohio and surrounding unincorporated environs.

possibility that either Applicant or BancShares would enter banking markets served by the other, it appears that there is little likelihood of significant competition developing between the two banking organizations in the absence of the subject proposal. Moreover, it does not appear from the facts of record that BancShares has the necessary financial or managerial resources to expand geographically in the foreseeable future. Although Applicant may possess the capabilities to enter the relevant markets de novo, these markets are not particularly attractive for such entry. The Canton and Steubenville-Weirton markets have deposits per banking office ratios that are below the State average; and the Scio market has population and deposits per banking office ratios that are far below the respective State averages.

In view of the foregoing, it is concluded that consummation of the proposals would not have significantly adverse effects on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the applications.

The financial and managerial resources of Applicant and its subsidiaries are considered satisfactory, and the future prospects for each appear favorable. As subsidiaries of Applicant, these same conclusions generally apply to Peoples Bank, Union Bank and Scio Bank. Thus, the banking factors are consistent with approval of the applications. Affiliation with Applicant would provide the three banks with access to Applicant's financial and managerial resources, and should permit the banks to offer new and expanded services to their customers. Thus, the considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the applications. It has been determined that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective February 13, 1976.

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

[FR Doc.76-5272 Filed 2-24-76;8:45 am]

FEDERATED CAPITAL CORP.

Order Approving Acquisition of Financial Protection Insurance Company of Texas

Federated Capital Corporation, Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage de novo, through its currently inactive wholly-owned subsidiary, Financial Protection Insurance Company of Texas, Houston, Texas ("Company"), in the activity of underwriting credit life and credit accident and credit and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 32795 (1975)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the seventh largest bank holding company in Texas, controls six banks with aggregate deposits of $943 million, representing approximately 2.2 per cent of the total deposits in commercial banks in the State.[1]

Company will engage de novo in the activity of underwriting, as a direct underwriter, of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Company will also engage de novo in the reinsurance of insurance previously underwritten by an unaffiliated insurance company in connection with Applicant's extensions of credit. However, all new insurance will be directly underwritten by Company. Since this proposal involves a de novo activity, consummation of the transaction would not have any significant adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that, in the event of approval of its proposal, Company will offer reduced premiums for several types of credit insurance policies that it will underwrite. Company will offer decreasing term single and joint credit life insurance at a premium rate 3.4 per cent below the Texas statutory maximum and level term single and joint credit life insurance (on single payment loans) at a premium rate 3.7 per cent below the statutory maximum. Furthermore, Applicant proposes to lower by 5.0 per cent the premium rate for credit accident and health insurance currently charged by its direct underwriter. In addition, Applicant proposes to offer decreasing term joint credit life and credit accident and health insurance at two of its banking subsidiaries where such coverage is not presently available. The Board finds that Applicant's proposed premium rate reductions and increase in policy coverage are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record,[2] the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to authority hereby delegated.

By order of the Board of Governors,[3] effective February 11, 1976.

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

[FR Doc.76-5273 Filed 2-24-76;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Approving Acquisition of Bank

First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act, 12 U.S.C. 1842(a)(3), to acquire the shares of First Tennessee National Bank, Chattanooga, Tennessee ("Bank"), a de novo bank which will acquire assets and assume substantially all of the liabilities of Hamilton National Bank, Chattanooga, Tennessee

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through December 31, 1975.

[2] Dissenting Statement of Governor Coldwell filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Dallas.

[3] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich and Partee. Voting against this action: Governors Coldwell and Jackson. Absent and not voting: Chairman Burns.

("Hamilton Bank"), total deposit $461 million,[1] and operate the present offices of Hamilton Bank as branches.

Notice has been given to the Comptroller of the Currency in accordance with section 3(b) of the Act. The Comptroller has recommended approval of the application. In addition, the Board has solicited and considered herein the views of the United States Department of Justice. Public notice of the application is not required by the Act, and in view of the emergency situation set forth below, the Board has not followed its normal practice of affording interested parties the opportunity to submit comments and views. The Board has considered the application and all comments received in light of the factors set forth in section 3 (c) of the Act (12 UU.S.C. 1842(c)).

Applicant is the largest holding company in the State with 12 subsidiary banks and total deposits of $1,237.6 million. Bank has been formed to acquire certain assets and liabilities of the Hamilton National Bank, Chattanooga, Tennessee, which has been declared insolvent and placed in receivership by the Comptroller of the Currency on this date. In view of the insolvency of Hamilton Bank, the Board finds that any adverse effects on competition in any relevant banking market that would result from consummation of the acquisition are outweighed by the public interest considerations relating to the acquisition. Considerations relating to convenience and needs of the communities to be served lend very strong weight toward approval as the proposal will protect all depositors of Hamilton Bank and will insure the continued provision of banking services and the preservation of a competitor in that market.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as generally satisfactory. In light of the insolvency of Hamilton Bank and the financial assistance being provided by the Federal Deposit Insurance Corporation for Bank, financial and managerial factors lend support to approval of Bank's acquisition. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

Applicant received the Board's approval to acquire Pioneer Bank, Chattanooga, Tennessee. As part of this transaction, however, Applicant has negotiated a termination of that contract. Accordingly, the Board's Order of March 12, 1975, approving Applicant's acquisition of Pionner is hereby vacated.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 16, 1976.

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

[FR Doc.76-5274 Filed 2-24-76;8:45 am]

[1] Deposit data are as of June 30, 1975.

[2] Voting for this action: Chairman Burns and Governors Holland, Wallich, Coldwell, Jackson and Partee. Absent and not voting: Governor Gardner.

MERCANTILE TEXAS CORP.

Formation of Bank Holding Company

FEBRUARY 13, 1976.

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares, less directors' qualifying shares, of Mercantile National Bank at Dallas, Dallas, Texas, through the merger of Mercantile National Corporation, Dallas, Texas, the parent holding company of the bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 9, 1976.

Board of Governors of the Federal Reserve System, February 13, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-5275 Filed 2-24-76;8:45 am]

WEST POINT FIRST NATIONAL CO.

Order Approving Acquisition of First National of West Point Agency, Inc.

West Point First National Co., Lincoln, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 percent of the voting stock of First National of West Point Agency, Inc., West Point, Nebraska ("Agency"). Applicant, through Agency, would conduct a general insurance agency business, including the sale of accident and health insurance, fire and casualty insurance and credit life and credit accident and health insurance, in a community of less than 5,000 people. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4 (a)(9)(iii)(a)).

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 4 of the Act (41 FR 211 (1976)). The time for filing comments and views has expired and all comments received have been considered in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, The First National Bank of West Point, West Point, Nebraska, with deposits of $17.9 million, representing .31 percent of the total deposits in commercial banks in Nebraska, and 26.96 percent of total deposits in Cuming County, which approximates the relevant banking market.[1]

Agency, a general insurance agency, has conducted its business for several years on the premises of Bank. Agency competes directly with five other insurance agencies located in the community, and it does not appear that Applicant's acquisition of Agency would have any significant effect on existing or potential competition, nor is there any evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

The continued availability of the services provided by Agency would assure the residents of the West Point area a convienient source of insurance agency services, which factor is regarded as being in the public interest. The acquisition of Agency would also increase Applicant's overall financial flexibility by providing Applicant with additional resources with which to repay the debt incurred when it became a bank holding company in 1975.[2]

Based on the foregoing and other considerations reflected in the record, it has been determined that the balance of the public interest factors required to be considered under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective February 13, 1976.

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

[FR Doc.76-5276 Filed 2-24-76;8:45 am]

[1] All banking data are as of June 30, 1975.

[2] 40 FR 22318 (May 22, 1975).

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 19, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed SEC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 15, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

SECURITIES AND EXCHANGE COMMISSION

SEC requests an extension no change clearance of Quarterly Report for Working Capital and Long-Term Debt, Form R–2. This form is used to collect quarterly corporate data on current assets and liabilities of U.S. nonfinancial corporations. Potential respondents are nonfinancial corporations registered with the Securities and Exchange Commission, excluding those firms classified in the manufacturing, mining and wholesale trade sectors. Approximately 850 respondents will be surveyed each quarter. SEC estimates ¾-hour is required to complete the form.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–5336 Filed 2–24–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F–374]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective January 27, 1976.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the El Paso, Texas, City Council, involving the application of the Mountain States Telephone and Telegraph Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

FEBRUARY 12, 1976.

JACK ECKERD,
Administrator of General Services.

FEBRUARY 12, 1976.

[FR Doc.76–5299 Filed 2–24–76;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F–375]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This delegation is effective January 30, 1976.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly at sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Mississippi Public Service Commission (Docket No. U–75–069), involving the application of the South Central Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–5300 Filed 2–24–76;8:45 am]

[Federal Property Management Reg.; Temporary Reg. E–]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes the delegation of authority granted to the Secretary of Health, Education, and Welfare (DHEW) on January 7, 1972, to operate a Federal Data Processing Center (FDPC).

2. *Effective date.* This revocation of authority is effective February 27, 1976.

3. *Expiration date.* This regulation expires March 31, 1976.

4. *Effect on other issuances.* This revocation cancels Temporary Regulation E–19 which authorized DHEW to operate a Federal Data Processing Center.

JACK ECKERD,
Administrator of General Services.

FEBRUARY 12, 1976.

[FR Doc.76–5301 Filed 2–24–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[No. 337–TA–22]

RECLOSABLE PLASTIC BAGS

Preliminary Conference and of Prehearing Conference

Notice is hereby given that, in order to familiarize the parties with International Trade Commission investigations and proceedings, and to answer any inquiries of the parties in that regard, an informal preliminary conference will be held on March 4, 1976, at 10:00 a.m., e.s.t., in the U.S. International Trade Commission Building, 701 E Street, Northwest, Washington, D.C.

Notice is also given that a Prehearing Conference will be held at 10:00 a.m., e.s.t., on March 16, 1976, in the U.S. International Trade Commission Building, 701 E Street, Northwest, Washington, D.C.

On or before March 9, 1976, each participant should serve any of the following documents on the Administrative Law Judge and all known parties:

1. Motions pertaining to the scope of the proceeding.
2. A statement of issues and sub-issues in this proceeding.
3. A statement of the participant's position on each of the proposed issues.
4. A statement describing the evidence each participant proposed to present at the hearing, relating such evidence to each of the issues and sub-issues.
5. Requests for information.
6. Proposed stipulations.
7. A proposed agenda for the Prehearing Conference.

Replies to the items listed above should be served on or before March 12, 1976.

Notice is also given that named respondent Gordon Jewelry Supplies should be, and hereafter will be, referred to as the Gordon Company.

Issued: February 19, 1976.

[SEAL] MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.76-5331 Filed 2-24-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-15)]

NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC) APPLICATIONS COMMITTEE

Meeting

The NASA SPAC Applications Committee will meet on March 18, 1976, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226-A of Federal Office Building 10B, 600 Independence Ave, SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9:00 AM on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below:

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived space-related technology including communications, meterology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 7 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755-8617.

The following is the approved agenda and schedule for the March 18, 1976, meeting of the SPAC Applications Committee:

1. Chairman's remarks.

2. *The Earth Resources Survey Program.* This will be a general review and discussion on this program, the follow-on aspects, the current and anticipated issues, and problems. Committee members' views will be solicited on how some of these issues might be resolved.

3. *The Satellite Communications Program.* Committee members' comments and advice will be requested on the status of the studies of our national needs in this important area and the relative roles of the Federal government, in particular, NASA, vs., the private sector.

4. *Concerns of the Applications Committee Regarding the Life Sciences Program.* At the last meeting of the Applications Committee, the impact of the possible depletion of ozone in the stratosphere upon mankind was briefly discussed. It was agreed that the NASA Director of Life Sciences would be invited to address this and other health related subjects at a future Applications Committee Meeting.

WILLIAM W. SNAVELY,
Assistant Administrator for the Office of DOD and Interagency Affairs, National Aeronautics and Space Administration.

FEBRUARY 19, 1976.

[FR Doc.76-5277 Filed 2-24-76;8:45 am]

[Notice (76-16)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON MATERIALS AND STRUCTURES

Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Materials and Structures will meet on March 24-25, 1976, at the Eastern Air Lines Miami Overhaul Base, Florida. The meeting will be held in Room 307, Building 30, at the Miami International Airport. The meeting is open to the public. Admittance will be on a first-come, first-served basis. The available seating capacity of the room is about 30 persons. Arrangements will be made to admit visitors through Security Guard Gate Number 2 at the Eastern Air Lines facility.

The NASA RTAC Committee on Materials and Structures Serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Dr. Holt Ashley. There are 15 members. The following list sets forth the approved agenda and schedule for the March 24-25, meeting. For further information, please contact Mr. George C. Deutsch, Area Code 202, 755-3264.

MARCH 24, 1976

Time	*Topic*
8:30 a.m.	Chairman's and Executive Secretary's Reports. (Purpose: These reports will be presented to obtain approval of past meeting minutes, to review results of the Nov. 6-7, 1976, meeting of the Research and Technology Advisory Council, to report recent NASA organization changes, to brief the Committee on new research and technology programs, and to obtain members' comments and recommendations.)
10:30 a.m.	Aircraft Composites Life Prediction Panel Report. (Purpose: The final recommendations of an ad hoc panel which studied life prediction, prepregs, specifications, testing, and standardization of composite materials will be presented for Committee review and recommendations.)
11:00 a.m.	Rotary Wing Research Panel Report. (Purpose: The final recommendations of an ad hoc panel which studied present problems and future programs for rotary wing research will be presented for Committee review and recommendations.
11:30 a.m.	Crashworthiness Panel Report. (Purpose: The results of recent ad hoc panel studies of general aviation crashworthiness, along with recommendations for research and technology improvements, will be presented for Committee action and recommendations.)
1:00 p.m.	Aircraft Aging (Geriatrics). (Purpose: The problems associated with aircraft service life and aircraft maintenance, including effects of corrosion, deterioration of engine performance, fatigue, and the incorporation of improvements for extending service life, will be reviewed by the Committee for consideration of further action.)
2:00 p.m.	Eastern Air Lines Presentations. (Purpose: Various members of Eastern Air Lines maintenance organizations will review current airline maintenance procedures and problems for Committee information.)

MARCH 25, 1976

8:30 a.m.	NASA Technology Focal Points (Centers of Excellence). (Purpose: The Committee will review recent RTAC discussions and the recent correspondence from the Chairman in order to recommend methods for achieving Center performance and quality improvement.)
9:30 a.m.	Integrated Program for Aerospace Vehicle Design (IPAD). (Purpose: The Committee will be briefed by a NASA Center member on the current status of IPAD for the purpose of discussing and recommending methods of obtaining RTAC and Committee input during program development.)
10:30 a.m.	NASA Supersonic Cruise Aircraft Research Program (SCAR). (Purpose: The Committee will be briefed on the current

Time	Topic
	status by a SCAR program representative for the purpose of making recommendations for possible program changes and improvements.)
11:30 a.m.	NASA Center Reports. (Purpose: NASA Center representatives on the Committee will report on recent progress on materials and structures technology development programs for Committee information.)
2:00 p.m.	Members' Reports. (Purpose: To present reports of recent accomplishments in research and development programs in members' organizations for Committee information.)
3:00 p.m.	New Business Items. (Purpose: The Committee will discuss new items identified during Center and member report briefings and other parts of the meeting and determine future action.)
3:30 p.m.	Plans for Next Meeting. (Purpose: To discuss time, place, and agenda for next meeting.)
4:00 p.m.	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

FEBRUARY 19, 1976.

[FR Doc.76-5278 Filed 2-24-76;8:45 am]

[Notice (76-14)]

PRIVACY ACT

Systems of Records

In the notices of systems of records published by the National Aeronautics and Space Administration on Monday, September 22, 1975, it is proposed to make the following changes in item "Routine uses of records * * * " under NASA 10PAYS (Page 43680):

1. Change number (11) to read, "To furnish data to labor organizations in accordance with negotiated agreements;"

2. Change number (12) to number (13).

3. Add "(12) To furnish pay data to the Department of State for certain NASA employees located outside of the United States; and"

Because these changes would add a new routine use and broaden an existing one, public comment on these proposed changes is invited.

Written comments should be addressed to NASA Privacy Officer, Code AE, NASA Headquarters, Washington, D.C. 20546. All comments received by March 12, 1976, will be considered by NASA before taking final action on the proposed changes. Any comments received will be available for public inspection at NASA Headquarters, Room 7137, 400 Maryland Ave., SW., Washington, D.C. 20546, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday (except holidays) until 4:00 p.m., March 12, 1976.

It is proposed that these changes shall be finally effective on March 12. 1976.

DUWARD L. CROW,
Associate Administrator.

[FR Doc.76-5285 Filed 2-24-76;8:45 am]

[Notice (76-17)]

PRIVACY ACT

Systems of Records

On December 22, 1975, the National Aeronautics and Space Administration ("NASA"), in accordance with 5 U.S.C. 552a(e) (4) and (11), the Privacy Act of 1974 (Pub. L. 93-579) ("The Act"), published on page 59261 in the FEDERAL REGISTER, a proposed notice for a NASA system of records subject to the Act, NASA 10 HERD. Interested persons were given until January 23, 1976, to submit comments. No such comments were received.

Accordingly, the proposed NASA notice of this system of records, NASA 10 HERD is adopted without change except for the deletion of standard routine use 1, 2, and 3, effective January 30, 1976.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.76-5368 Filed 2-24-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

MEETING

The National Commission on Electronic Fund Transfers will meet on Friday, March 12, 1976, in Room 4121 of the Main Treasury Building, at 15th Street and Pennsylvania Avenue, NW., Washington D.C., between 10:00 a.m. and 5:00 p.m., with a break for lunch.

The topics for discussion will include the Commission's work in three interrelated areas: First, the development of an organizational structure; second, the establishment of a framework for the research program; and third, the preparation of a summary of the current status of EFTS.

The meeting will be open to public observation. Persons wishing to attend should enter the Treasury Department through the entrance on East Executive Avenue, which runs between the Treasury Department and the White House. Any person wishing to file a written statement with the Commission may do so by sending five copies to:

National Commission on Electronic Fund Transfers, Suite 900, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

In preparation for the meeting on March 12, the Commission staff will hold daylong workshops on March 2 and 5 at the Commission offices, beginning at 10:00 a.m. At each workshop the Commission staff will meet with approximately half of the Commissioners, or their assistants, to collect in formation from the Commissioners on two subjects: the factors causing the development of EFTS systems, and the alternative responses to these factors. A report on the workshops will be delivered at the meeting on March 12.

While these workshops are not Advisory Committee meetings for purposes of the Federal Advisory Committee Act, it is the Commission's policy that the workshops be open to public observation on a first-call basis to the extent that limited space permits. Any person interested in observing either workshop should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: February 23, 1976.

JAMES O. HOWARD, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5437 Filed 2-24-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on March 15-16, 1976 from 9:00 a.m.-5:00 p.m. in the 12th floor screening room of the Columbia Plaza 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 Officer, 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.76-5307 Filed 2-24-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Ad hoc Advisory Group on Science Programs (AGOSP).

Date: March 12 and 13, 1976.

Time: 3/12—2 to 6 p.m.; 3/13—9 a.m. to 4 p.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.; 3/12 Room 9114, 3/13 Room 2008.

Type of meeting: Open.

Contact: Mr. William C. Bartley, Executive Director, AGOSP, Scientific, Technological and International Affairs, Rm. 602, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–6871. Anyone planning to attend should notify Mr. Bartley by March 9.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of group: To provide to the President's Science Adviser (Director, NSF), an independent source of advice concerning selected basic and applied science programs.

AGENDA

MARCH 12

2 to 4 p.m.	General discussion of future activities and role of AGOSP.
4 to 6 p.m.	Review and comment on NASA "Outlook for Space" study by NASA administrator.

MARCH 13

9 a.m. to 12 noon.	Discussion of reviews of NASA study by AGOSP working groups.
12 to 1 p.m.	Working luncheon.
1 to 4 p.m.	Further discussion and future writing assignments as necessary.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 20, 1976.

[FR Doc.76–5360 Filed 2–24–76;8:45 am]

WORKSHOP ON FACTORS AFFECTING THE STRUCTURE OF THE UTILITY INDUSTRY

Open Meeting

The National Science Foundation is convening a Workshop on Factors affecting the Structure of the Utility Industry on March 9–10, 1976, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 a.m. and the Workshop will adjourn at 5:30 p.m. on March 10. The purpose of the Workshop is to provide a forum for discussion of factors affecting the structure of the utility industry.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P. L. 92–463), this workshop is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda is attached.

The Workshop will be chaired by Mr. David Cope, Federal Energy Administration, and is open to the public. Individuals who wish to attend should inform Mr. Richard A. Waller, Energy Policy Analyst, Division of Policy Research and Analysis, Room 537, National Science Foundation, Washington, D.C. 20550 telephone (202) 632–7806, prior to the Workshop. Mr. Waller should be contacted for further information concerning the Workshop or for summary proceedings.

RICHARD A. WALLER,
Energy Policy Analyst, Division of Policy Research and Analysis.

TENTATIVE AGENDA, MARCH 9–10, 1976

THE MITRE CORPORATION, M'LEAN, VIRGINIA

Tuesday, March 9

9 a.m.	Welcome by James Cline, Workshop Chairman.
9:10 a.m.	Workshop Overview, Beth Borko, MITRE.
9:30 a.m.	New Developments: A—Major Factors Affecting the Evolution of the Industry Structure. B—Financial Factors. C—Reliability Levels. D—Transmission Technology.
12 noon	Discussion.
12:30 p.m.	Lunch.
1:45 p.m.	Coordination Versus Consolidation of the Utility Industry: A—Making a Regional Power Pool Work. B—Effectiveness of Power Pools Versus Holding Companies. C—The National Power Grid Concept. D—Interaction of Economic Concerns With Other Issues Influencing Utility Structure.
4:30 p.m.	Discussion.
5:30 p.m.	Adjourn.

Wednesday, March 10

9 a.m.	Competition and Regulation: A—Access of Small Systems to Power Exchange Market. B—The effect of License Conditions on the Structure of the Utility Industry. C—Competition in a Natural Monopoly. D—State Regulatory Review.
11:30 a.m.	Discussion.
12 noon	Lunch.
1:45 p.m.	Utility Industry Panel: A—Holding Company. B—Public Power. C—Middle-Sized Companies. D—Federal/Public.
4 p.m.	Discussion.
5 p.m.	Chairman's Conclusions.
5:30 p.m.	Adjourn.

[FR Doc.76–5359 Filed 2–24–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 20, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy development and research, nonunion wage survey, single-time, nonunion contractors in 10 SMSA's, Laverne V. Collins, 395–5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Comprehensive tobacco questionnaire, on occasion, specialist and scientist in Government, Marsha Traynham, 395–4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service: Baggage and Personal Effects of Detained Alien—Aliens Statement, I–43, on occasion, Marsha Traynham, 395–4529.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Transfer Certificate of Wool or Camel Hair Imported, Conditionally Free of Duty, CF–7531, on occasion, manufacturer, processor or dealer, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–5480 Filed 2–24–76;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

MEETING

Pursuant to P.L. 92–463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellowships will be held in

each of eleven U.S. cities beginning March 11, 1976. The date and place of each meeting is as follows:

Thursday, March 11, 9:00 a.m., U.S. Civil Service Commission, William J. Green, Jr., Federal Building, Room 3400, 600 Arch Street, Philadelphia, Pennsylvania.

Friday, March 12, 9:00 a.m., U.S. Civil Service Commission, John W. McCormack, Post Office and Courthouse Building, Room 1038, Boston, Massachusetts.

Monday, March 15, 8:30 a.m., McKinsey & Co., Inc., 245 Park Avenue, New York, New York.

Wednesday, March 17, 8:00 a.m., Illinois Central Gulf Railroad, 233 North Michigan Avenue, Chicago, Illinois.

Thursday, March 18, 8:00 a.m., Library of the St. Louis Club, Pierre Laclede Building, 14th floor, 7701 Forsyth Boulevard, Clayton, Missouri.

Friday, March 19, 8:30 a.m., Ideal Basic Industries, 950 17th Street, Denver, Colorado.

Monday, March 22, 8:00 a.m., U.S. Civil Service Commission, Federal Office Building, Room 2590, Seattle, Washington.

Tuesday, March 23, 8:00 a.m., U.S. Civil Service Commission, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Friday, March 26, 8:30 a.m., Number Two Turtle Creek Village, Suite 1605, Dallas, Texas.

Saturday, March 27, 8:30 a.m., Alston, Miller & Gaines, Citizens & Southern National Bank Building, 35 Broad Street, Atlanta, Georgia.

Monday, March 29, 9:00 a.m., Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C.

These selection meetings are part of the screening process of the White House Fellowships program. In these meetings, selected applicants to the program are interviewed by a panel of ten to twelve outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of section 552(b)(6) of Title 5 of the United States Code and that these meetings will be closed to the public.

BRUCE H. HASENKAMP,
Director.

DETERMINATION TO CLOSE A MEETING OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS TO THE PUBLIC UNDER SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT, PUB. L. 92-463

Subsections (a)(1) and (a)(3) of section 10 of the Federal Advisory Committee Act, Pub. L. 92-463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee are to be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and character refrences which we believe ar prsonnel files exempt from disclosure under 5 U.S.C. 552(b)(6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 U.S.C. 552(b)(6).

Therefore, it is hereby determined that the meetings of the President's Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall within exemption (6) of section 552(b) of Title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the eleven Regional Panel meetings dealing with confidential files and character references, to be held during the period March 11-29, 1976, shall be closed to the public and the minutes and other papers of the President's Commission on White House Fellowships pertaining to those meetings shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman,
U.S. Civil Service Commission.

[FR Doc.76-5316 Filed 2-24-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 601-14, 601-15]

FIRST NATIONAL BANK OF MINNEAPOLIS AND WELLS FARGO SECURITIES CLEARANCE CORP.

Filing of Applications for Exemption From Registration as Clearing Agencies

The following entities have made application for exemption from registration as clearing agencies pursuant to Rule 17Ab2-1 under the Securities Exchange Act of 1934:

	File No.
First National Bank of Minneapolis	601-14
Wells Fargo Securities Clearance Corp.	601-15

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications for exemption from registration on or before April 7, 1976.

Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-5263 Filed 2-24-76;8:45 am]

[811-798]

INTERNATIONAL HOLDINGS CORP.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that International Holdings Corporation ("Applicant"), One State Street, New York, New York 10004, a closed-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 19, 1976, and an amendment thereto on February 9, 1976, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Articles of Merger ("Agreement") dated November 17, 1975 between Applicant and The Cheapside Dollar Fund Limited ("Cheapside"), Applicant was merged with and into Cheapside, an open-end diversified management investment company also registered under the Act, in accordance with the laws of the State of Maryland, which are said to govern the corporate existence of both Cheapside and Applicant. Applicant asserts that upon filing of the Agreement with the State of Maryland on December 22, 1975, the merger became effective; that on such date the former shareholders of applicant became shareholders of Cheapside by operation of law, each share of capital stock of Applicant having been converted into 1.331 shares of common stock of Cheapside; that all of the assets and liabilities of Applicant were transferred to Cheapside; that the corporate existence of Applicant has ceased; and that Applicant consequently has no assets and no shareholders.

Applicant asserts further that its former shareholders who would otherwise be entitled to receive fractional shares of Cheapside will, in lieu thereof, receive cash payment based on the net asset value of such fractional shares as of the close of business on the last business day prior to the effective date of the merger; and that Schroder Trust Company, One State Street, New York, New York, is acting as Exchange Agent in effecting delivery to Applicant's former shareholders of new certificates representing whole shares of Cheapside and of checks for payment in lieu of fractional shares.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, on the effectiveness of such order, the registration of such company shall cease to be in effect.

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 this 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 Applicant at the address set forth above. Proof of such service (by affidavit or, in the 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 matter 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.76–5270 Filed 2–24–76;8:45 am]

[Release No. 34–12116; File No.

MIDWEST CLEARING CORP.

Proposed Rule Change; Self-Regulatory Organizations

SR–MCC–76–1]

In the matter of making good pro rata charges to contribution funds proposed rule change by Midwest Clearing Corporation.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on February 9, 1976, the above-mentioned self-regulatory organizaton filed wth the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

RULE 14—PARTICIPANTS AND PARTICIPANTS FUND

Making Good of Pro Rata Charge. Section 12. Whenever a loss is made good out of the Participants Fund and charged pro rata against the contributions of Depository Participants as hereinbefore provided, each such Participant shall promptly make good the deficiency in its contribution resulting from such pro rata charge. Notwithstanding the foregoing, if a Participant shall, within seven days of notice to it of a pro rata charge hereunder, give written notice to the Corporation of its election that the Corporation shall definitively cease to act for it, such Participant's aggregate liability to the Corporation in respect of such pro rata charge and all other pro rata charges made thereafter by reason of transactions occurring before it ceases to be a Participant, shall not exceed an amount equal to double the amount of its contribution to the Participants Fund as fixed immediately prior to such pro rata charge, and the amount on deposit in the Participants Fund for the account of such Participant immediately prior to such pro rata charge shall be credited against succh aggregate liability.

STATEMENT OF BASICS AND PURPOSE

The purpose of the proposed rule change is solely to remove ambiguities in the reading of the existing rule.

The purpose of the proposed rule change is to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities.

Midwest Clearing Corporation has neither solicited nor received any comments.

The Midwest Clearing Corporation believes that no burdens have been placed on competition.

On or before March 31, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organizations consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 18, 1976.

[FR Doc.76–5267 Filed 2–24–76;8:45 am]

[Release No. 34–12115; File No. SR–MSTC–76–1]

MIDWEST SECURITIES TRUST CO.

Proposed Rule Change; Self-Regulatory Organizations

In the matter of making good pro rata charges to contribution funds proposed rule change by Midwest Securities Trust Company.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975) notice is hereby given that on February 9, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

RULE 8—PARTICIPANTS AND PARTICIPANTS FUNDS

Making Good of Pro Rata Charge Section 12. Whenever a loss is made good out of the Participants Funds and charged pro rata against the contributions of Depository Participants as hereinbefore provided, each such Participant shall promptly make good the deficiency in its contribution resulting from such pro rata charge. Notwithstanding the foregoing, if a Participant shall, within seven days of notice to it of a pro rata charge hereunder, given written notice to the Corporation of its election that the Corporation shall definitively cease to act for it, such Participant's aggregate liability to the Corporation in respect of such pro rata charge and all other pro rata charges made thereafter by reason of transactions occurring before it creases to be a Participant, shall not exceed an amount equal to double the amount of its contribution to the Participants Fund as fixed immediately prior to such pro rata charge, and the amount on deposit in the Participants Fund for the account of such Participant immediately prior to such pro rata charge shall be credited against such aggregate liability.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is solely to remove ambiguities in the reading of the existing rule.

The purpose of the proposed rule change is to foster cooperation and coordination with persons engaged in regulating, clearing, setting, and processing information with respect to, and facilitating transactions in securities.

Midwest Securities Trust Company has neither solicited nor received any comments.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

On or before March 31, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its rea-

sons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 18, 1976.

[FR Doc.76-5266 Filed 2-24-76;8:45 am]

[Release No. 34-12112; File No. SR-NYSE-76-12]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 12, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Board of Directors of the New York Stock Exchange, Inc. has acted to raise long term bond listing fees from $120 per million of principal amount to $160 per million of principal amount.

The relevant part of the NYSE Company Manual at Page B-84 appears below:

FEES FOR BONDS AND SIMILAR SECURITIES

PER MILLION PRINCIPAL AMOUNT

Regular bonds, debentures, etc	($120)	$160
Short term-maturity 5 year or less		60
Relisting previously listed bonds or by another obligor involving no change in original terms		30
Fees are payable at the time of listing. There is no continuing annual fee for bonds and similar securities		

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. PURPOSE OF THE PROPOSED RULE CHANGE

The purpose of this increase in bond listing fees is to give recognition to the increased expenses of operating the Exchange's bond market and to help to defray the costs associated with the Automated Bond System which will become operational in early 1976. The last change in bond listing fees occurred in 1926.

4. BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) i Not Applicable.
ii Not Applicable.
iii Not Applicable
iv The increased fees will apply equally to issuers listing regular bonds, debentures, et cetera, with a maturity of more than five years. At a later date, the Exchange will file a Form 19b-4A to set forth a revised fee schedule to apply to members of the Exchange making use of the Exchange's bond market facilities.
v (A) Not applicable.
(B) Not Applicable.
(C) Not Applicable.
(D) Not Applicable.
(E) Not Applicable.
vi Not Applicable.
vii Not Applicable.
viii Not Applicable.
(b) i (A) Not Applicable.
(B) Not Applicable.
(C) Not Applicable.
(D) Not Applicable.
(E) Not Applicable.
ii (A) Not Applicable.
(B) Not Applicable.
(C) Not Applicable.
(D) Not Applicable.
(E) Not Applicable.
iii Not Applicable.
iv Not Applicable.
4. (b) v Not Applicable.
vi Not Applicable.
vii Not Applicable.
(c) Not Applicable.

5. COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not formally solicited comments regarding this proposed change. Neither has the Exchange received any unsolicited written comments from members and other interested parties.

6. BURDEN ON COMPETITION

Not Applicable.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 26, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 18, 1976.

[FR Doc.76-5269 Filed 2-24-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1209]

CALIFORNIA

Declaration of Disaster Area

The City of San Clemente in Orange County, within the State of California, constitutes a disaster area because of damage resulting from a fire which occurred on January 21-23, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 13, 1976, and for economic injury until the close of business on August 13, 1976, at:

Small Business Administration, District Office, 350 S. Figueroa Street, 6th Floor, Los Angeles, California 90071.

or other locally announced locations.

Dated: February 13, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-5280 Filed 2-24-76;8:45 am]

[License Application No. 01/01-5279]

DUNKIN' DONUTS MESBIC, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Dunkin' Donuts MESBIC, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.102 (1975).

The officers, directors and sole stockholder of the applicant are as follows:

Name and Title

William Rosenberg, Wilrose Farms, East Kingston, New Hampshire 03827, Chairman of the Board.

Robert M. Rosenberg, 4 Chadwick Road, Weston, Massachusetts 02193, President, Director.

Thomas R. Schwarz, 38 Royalston Road, Wellesley, Massachusetts 02181, Executive Vice President.

Richard N. Hart, Jr., 17 Longmeadow Road, Hingham, Massachusetts 02043, Treasurer.

Gilbert Roenberg, 5 Isabelle Circle, Randolph, Massachusetts 02368, Secretary.

Lawrence W. Hantman, 14 South Street, Needham, Massachusetts 02192, Assistant Secretary, Director.

Dunkin' Donuts of America, Inc., Pacella Park Drive, P.O. Box 317, Randolph, Massachusetts 02368, 100% Stockholder.

The applicant, a Delaware corporation, with its principal place of business located at Pacella Park Drive, P.O. Box 317, Randolph, Massachusetts 02368, will begin operations with $300,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stocks. The applicant's parent, Dunkin' Donuts of America, Inc., was established in 1954 and has extensive experience in operating and franchising doughnut shops.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, on or before March 11, 1976, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Randolph, Massachusetts.

Dated: February 18, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-5282 Filed 2-24-76;8:45 am]

[Delegation of Authority No. 30; Rev. 15]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities; Republication

The purpose of the republication of Delegation of Authority No. 30, Revision 15, is done as a matter of reader convenience combining the various amendments and corrections made to this document since it was published March 12, 1975 (40 FR 11657). The amendments and corrections appear in 40 FR 14134, 41862, 20691, 26317, 40217, 49159, 51250, 52676, and 57407.

Delegation of Authority No. 30, Revision 15, combining the various amendments and corrections since March 12, 1975, is set forth below:

Dated: February 18, 1976.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, the following authority is hereby delegated to the Associate Administrator for Operations together with further authority to delegate, amend, modify, or revoke any authority delegated to field positions hereinafter set forth:

PREFACE

The policies, rules, procedures and other requirements, as well as citations to the statutes, governing the programs for which this delegation of authority is issued, are contained in various parts of the Regulations of the Small Business Administration, Chapter I of Title 13 of the Code of Federal Regulations, as amended from time to time in the FEDERAL REGISTER.

PART I—FINANCING PROGRAM

Section A—Loan Approval Authority

1. *Business and Handicapped Assistance Loans (Small Business Act (SBAct)).* To approve or decline sections 7(a) business loans and 7(h) handicapped assistance loans not exceeding the following amounts (SBA share):

	Approve	Decline
a. Regional Director	$350,000	$350,000
b. Assistant Regional Diector for F&I	350,000	350,000
c. District Director	350,000	350,000
d. Assistant District Director for F&I	350,000	350,000
e. Chief, Fincaning Division, D/O	350,000	350,000
f. Supervisory Loan Specialist, Financing Division, D/O	200,000	300,000
g. Branch Manager	200,000	300,000
h. Assistant Branch Manager for F&I Biloxi Branch Office only	200,000	300,000

2. *Economic opportunity loans (EOL) (SBAct).* To approve or decline section 7(i) economic opportunity loans not exceeding the following amounts (SBA share):

	Approve	Decline
a. Regional Director	$50,000	$50,000
b. Assistant Regional Director for F&I	50,000	50,000
c. District Director	50,000	50,000
d. Assistant District Director for F&I	50,000	50,000
e. Chief, Financing Division, D/O	50,000	50,000
f. Supervisory Loan Specialist, Financing Division, D/O	50,000	50,000
g. Branch Manager	50,000	50,000
h. Assistant Branch Manager for F&I Biloxi Branch Office only	50,000	50,000

3. *Product Disaster and Economic Injury Disaster Loans (SBAct).* To decline section 7(b)(4) product disaster and section 7(b)(2) economic injury disaster loans in connection with "natural disaster" declarations made by the Secretary of Agriculture in any amount and to approve such loans up to the following amounts (SBA share):

a. *Direct and immediate participation loans.*

(1) Regional Director	$500,000
(2) Assistant Regional Director for F&I.	500,000
(3) District Director	500,000
(4) Assistant District Director for F&I.	500,000
(5) Chief, Financing Division, D/O.	500,000
(6) Supervisory Loan Specialist, Financing Division, D/O.	300,000
(7) Branch Manager	300,000
(8) Assistant Branch Manager for F&I Biloxi Branch Office only.	300,000

b. *Guaranty loans.* (In addition to direct and immediate participation authority)

(1) Regional Director	$1,000,000
(2) Assistant Regional Director for F&I.	1,000,000
(3) District Director	1,000,000
(4) Assistant District Director for F&I.	500,000
(5) Chief, Financing Division, D/O.	500,000
(6) Supervisory Loan Specialist, Financing Division, D/O.	500,000
(7) Branch Manager	500,000
(8) Assistant Branch Manager for F&I Biloxi Branch Office only.	500,000

4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8) and 7(g) Loans (SBAct).* To decline section 7(b)(3) displaced business loans, 7(b)(5) regulatory disaster loans (including coal mine health and safety, consumer protection—meat, egg, poultry —, and occupational safety and health, etc.) 7(b)(6) strategic arms limitation economic injury loans, 7(b)(7) base closing economic injury loans, 7(b)(8) emergency energy shortage economic injury loans, and 7(g) water pollution loans in any amount and to approve such loans up to the following amounts (SBA share):

a. *Direct and Immediate Participation Loans:*

(1) Regional Director	$500,000
(2) Assistant Regional Director for F&I	500,000
(3) District Director	500,000
(4) Assistant District Director for F&I	500,000
(5) Chief, Financing Division, D/O	500,000
(6) Supervisory Loan Specialist, Financing Division, D/O	300,000
(7) Branch Manager	300,000
(8) Assistant Branch Manager for F&I Biloxi Branch Office only	300,000

b. *Guaranty Loans:* (In addition to direct and immediate participation authority)

		Approve
(1)	Regional Director	$1,000,000
(2)	Assistant Regional Director for F&I	1,000,000
(3)	District Director	1,000,000
(4)	Assistant District Director for F&I	500,000
(5)	Chief, Financing Division, D/O	500,000
(6)	Supervisory Loan Specialist, Financing Division, D/O	500,000
(7)	Branch Manager	500,000
(8)	Assistant Branch Manager for F&I Biloxi Branch Office only	500,000

Section B—Other Financing Authority for all types of loans contained in Section A above:

1. *Loan Participation Agreements.* To enter into individual and blanket loan participation agreements with lenders:
   a. Regional Director
   b. Assistant Regional Director for F&I
   c. District Director
   d. Assistant District Director for F&I
   e. Chief, Financing Division, D/O
   f. Branch Manager
   g. Assistant Branch Manager for F&I Biloxi Branch Office only
2. *Loan Authorizations.*
   a. To execute written authorizations:
   (1) Regional Director
   (2) Assistant Regional Director for F&I
   (3) District Director
   (4) Assistant District Director for F&I
   (5) Chief, Financing Division, D/O
   (6) Supervisory Loan Specialist, Financing Division, D/O
   (7) Branch Manager
   (8) Assistant Branch Manager for F&I Biloxi Branch Office only
   b. To cancel, reinstate, modify, and amend authorizations;
   (1) Regional Director
   (2) Assistant Regional Director for F&I
   (3) District Director
   (4) Assistant District Director of F&I
   (5) Chief, Financing Division, D/O (on fully undisbursed loans)
   (6) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)
   (7) Branch Manager
   (8) Assistant Branch Manager for F&I Biloxi Branch Office only
3. *Disbursement Period Extension.* To extend disbursement periods:
   a. Without limitation:
   (1) Regional Director
   (2) Assistant Regional Director for F&I
   (3) District Director
   (4) Assistant District Director for F&I
   (5) Chief, Financing Division, D/O (on fully undisbursed loans)
   (6) Branch Manager
   (6a) Assistant Branch Manager for F&I Biloxi Branch Office only
   b. For a cumulative total not to exceed six (6) months:
   (7) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)
4. *Service Charges.* To approve service charges by participating lenders not to exceed two (2) percent annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:
   (1) Regional
   (2) Assistant Regional Director for F&I
   (3) District Director
   (4) Assistant District Director for F&I
   (5) Chief, Financing Division, D/O (on fully undisbursed loans)
   (6) Supervisory Loan Specialist, D/O (on fully undisbursed loans)
   (7) Branch Manager
   (8) Assistant Branch Manager for F&I Biloxi Branch Office only

PART II—DISASTER PROGRAM

NOTE: The loan approval authority in Part II refers to the total indebtedness of an applicant for a disaster loan (regardless of the number of structures damaged) for each separate disaster.

Section A—Disaster Loan Authority

1. *Direct and Immediate Participation 7(b)(1) physical disaster loans (SBAct).*
   a. To decline direct and immediate participation 7(b)(1) physical disaster loans in any amount and to approve such loans not exceeding the following amounts (SBA share):
   (1) *Home Loans.* $50,000 for repair, restoration, or replacement of a home; $10,000 for repair, restoration, or replacement of household contents or personal property; or $55,000 for a single disaster home loan, plus $50,000 for refinancing prior liens:
   (a) Regional Director
   (b) Assistant Regional Director for F&I
   (c) District Director
   (d) Assistant District Director for F&I
   (e) Disaster Branch Manager
   (f) Supervisory Loan Specialist, Financing Division, D/O
   (g) Supervisory Loan Specialist, Disaster Office
   (h) Branch Manager
   (i) Assistant Branch Manager for F&I Biloxi Branch Office only
   (2) *Business Loans:* Including repair, restoration, or replacement of all real or personal property and refinancing as follows:

(a)	Regional Director	$500,000
(b)	Assistant Regional Director for F&I	500,000
(c)	District Director	500,000
(d)	Assistant District Director for F&I	500,000
(e)	Disaster Branch Manager	500,000
(f)	Supervisory Loan Specialist, Financing Division, D/O	300,000
(g)	Supervisory Loan Specialist, Disaster Office	300,000
(h)	Branch Manager	500,000
(i)	Assistant Branch Manager for F&I Biloxi Branch Office only	500,000

2. *Guaranteed Physical Disaster Loans 7(b)(1) (SBAct).* To decline section 7(b)(1) physical disaster guaranteed loans in any amount and to approve such loans in addition to direct and immediate participation authority not exceeding the following amounts (SBA share):

	Home loans	Business loans
a. Regional Director	$200,000	$1,000,000
b. Assistant Regional Director for F&I	200,000	1,000,000
c. District Director	200,000	1,000,000
d. Assistant District Director for F&I	100,000	500,000
e. Disaster Branch Manager	100,000	500,000
f. Supervisory Loan Specialist, Financing Division, D/O	100,000	500,000
g. Supervisory Loan Specialist, Disaster Office	100,000	500,000
h. Branch Manager	100,000	500,000
i. Assistant Branch Manager for F&I Biloxi Branch Office only	100,000	500,000

3. *Direct and immediate participation economic injury disaster loans (SBAct).* To decline direct and immediate participation section 7(b)(2) economic injury disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declaration by the President) in any amount and to approve such loans, not exceeding the following amounts (SBA share):

	Business Loans
a. Regional Director	$500,000
b. Assistant Regional Director for F&I.	500,000
c. District Director	500,000
d. Assistant District Director for F&I.	300,000
e. Disaster Branch Manager.	300,000
f. Supervisory Loan Specialist, Financing Division, D/O.	200,000
g. Supervisory Loan Specialist, Disaster Office.	200,000
h. Branch Manager	300,000
i. Assistant Branch Manager for F&I Biloxi Branch Office only.	300,000

4. *Guaranteed economic injury disaster loans (SBAct).* To decline Section 7(b)(2) Economic Injury guaranteed disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declared by the President) in any amount and to approve such loans, in addition to the direct and immediate participation authority,

not exceeding the following amounts (SBA share).

a. Regional Director $1,000,000
b. Assistant Regional Director for F&I. 1,000,000
c. District Director 1,000,000
d. Assistant District Director for F&I. 500,000
e. Disaster Branch Manager. 500,000
f. Supervisory Loan Specialist, Financing Division, D/O. 500,000
g. Supervisory Loan Specialist, Disaster Office. 500,000
h. Branch Manager 500,000
i. Assistant Branch Manager for F&I Biloxi Branch Office only. 500,000

5. *Processing Representative.* To appoint as a processing representative any bank in the disaster area:
a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
e. Branch Manager
f. Assistant Branch Manager for F&I Biloxi Branch Office only
6. *Late filing.* To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:
a. Regional Director—only
7. *Disaster loan authorizations*
a. To execute written authorizations:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O
(6) Branch Manager
(7) Assistant Branch Manager for F&I Biloxi Branch Office
(8) Disaster Branch Manager
b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)
(7) Branch Manager
(8) Assistant Branch Manager for F&I Biloxi Branch Office
(9) Disaster Branch Manager
8. *Disbursement period extension on disaster loans.* To extend disbursement periods:
a. Without limitation:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Branch Manager
(7) Disaster Branch Manager
(7a) Assistant Branch Manager for F&I Biloxi Branch Office only
b. For a cumulative total not to exceed six (6) months:
(8) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)

Section B—Admnistrative Authority

1. *Establishment of Disaster Field Offices.*
a. To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when justified; and
b. To obligate the Small Business Adminstraton to remburse the General Services Administration for the rental of temporary office space:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager
2. *Purchase and Contract Authority.*
a. *Rental of Motor Vehicles and Garage Space.* To rent motor vehicles necessary for the use of disaster branch office personnel and garage space for the storage of such vehicles when not furnished by this Administration:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager
b. *Office Supplies and Equipment.* To purchase office supplies and equipment, including office machines, and rent regular office equiment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in sections 257(a) and (b) of that Chapter:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager
c. *Credit Bureau Services.* To contract for local credit bureau services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in sections 257(a) and (b) of that Chapter:
(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

Section A—Section 501 and 502 Loan Approval Authority (SBAct).

1. *Section 501 State Development Company Loans.* To approve or decline section 501 state development company loans not exceeding the following amounts (SBA share):

a. Regional Director ____ Unlimited
With concurrence in at least one prior recommendation:
b. Assistant Regional Director for F&I. $750,000
c. District Director 750,000
d. Assistant District Director for F&I. 750,000
e. Chief, CED Division, D/O 750,000
f. Chief, Financing Division D/O. 750,000

2. *Section 502 Local Development Company Loans (SBI Act).* To approve or decline section 502 local development company loans not exceeding the following amounts (SBA share) for each small business concern being assisted, within the project cost limitations shown below:

NOTE: Project cost applies to the cumulative CED assistance to a small business concern and its affiliates and not to the additional assistance on which the action is being taken.

a. Unlimited project cost:
(1) Regional Director ____ $350,000
b. Overall project cost not exceeding $1,000,000
(2) Assistant Regional Director for F&I 350,000
(3) District Director 350,000
(4) Assistant District Director for F&I 350,000
c. Overall project cost not exceeding $700,000.
(5) Chief, CED Division, D/O 350,000
(6) Chief, Financing Division, D/O 350,000

Section B—Other 501 and 502 Authority.

1. *Participation Agreements.* To enter into participation agreements with lenders:
a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
d. Assistant District Director for F&I
e. Chief, CED Division, D/O

f. Chief, Financing Division, D/O

2. *Loan authorizations.*

a. To execute written loan authorizations:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, CED Division, D/O
(6) Chief, Financing Division, D/O

b. To cancel, reinstate, modify, and amend authorizations:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, CED Division, D/O (before initial disbursement)
(6) Chief, Financing Division, D/O (before initial disbursement)

3. *Disbursement Period Extension.* To extend disbursement periods:

a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
d. Assistant District Director for F&I
e. Chief, CED Division, D/O (on wholly undisbursed loans)
f. Chief, Financing Division, D/O (on wholly undisbursed loans)

Section C—Lease Guarantee

1. *Approval Authority.* To approve or decline applications and issue commitment letters for the direct guarantee of rents not to exceed the following amounts:

a. Regional Director	$1,000,000
b. Assistant Regional Director for F&I	500,000
c. District Director	500,000
d. Assistant District Director for F&I	500,000
e. Deleted	

2. *Commitment letters.* To modify commitment letters:

a. Regional Director
b. Assistant Regional Director for F&I
c. Regional Counsel
d. District Director
e. Assistant District Director for F&I
f. Chief, CED Division, D/O
g. District Counsel

Section D—Surety Guarantee

1. To guarantee sureties against portion of losses resulting from the breach of bid, payment, or performance bonds on contracts, not to exceed $500,000.

a. Regional Director
b. Assistant Regional Director for F&I
c. Surety Bond Guarantee Officer, R/O
d. District Director, San Francisco, New York and Region IV District Offices only.
e. Assistant District Director for F & I, San Francisco and Region IV District Offices only.
f. Chief, CED Division, San Francisco, New York, and Region IV District Offices only.
g. Senior Surety Bond Guarantee Specialist, San Francisco, District Offices only.

Section E—EDA Loan Authority

1. *EDA Loan Disbursement Authority.* To disburse EDA loans, as directed by EDA:

a. Regional Director
b. Assistant Regional Director for F&I
c. Regional Counsel
d. District Director
e. Assistant District Director for F&I
f. Chief, CED Division, D/O
g. District Counsel

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

Section A—Portfolio Management, Servicing, Collection, and Liquidation Authority.

1. To take all necessary action in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation fhen and as loans in liquidation when and as authorized by EDA) and lease guarantees, *exclusive of matters in litigation,* and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement (including lease guarantees);

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Branch Manager (full service branches only)
(6) Assistant Branch Manager for F&I Biloxi Branch Office only
(7) Chief, PM Division, Biloxi Branch Office

2. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation when and as authorized by EDA) and lease guarantees, *exclusive of matters in litigation;* and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement (including lease guarantees);

c. *To initiate suit* for recovery from a participating institution under any alleged violation of a participation or guaranty;

d. *To authorize the liquidation of a loan* (except Disaster Home Loans) or to cancel authority to liquidate; or

e. *To accept a lump sum settlement or to purchase property* under the lease guaranty:

(1) Chief, Portfolio Management Division, D/O
(2) Supervisory Loan Specialist, Portfolio Management Division, D/O
(3) Branch Management (limited servicing branches)
(4) Chief, PM Division, B/O (full servicing branches)
(5) Supervisory Loan Specialist, PM Division B/O (full servicing branches)

3. *Other Portfolio Management Authority*

a. To take *only* the following actions on loans in a current status:

(1) Approve editorial modifications in loan authorizations;
(2) Extend disbursement periods on loans partially undisbursed;
(3) Release of cash surrender value or dividends to pay premiums due on assigned policy;
(4) Extension of initial principal payment dates or adjustment of interest payment dates;
(5) Release of equipment (or hazard insurance checks) where the total value being released does not exceed $500.
(a) Loan Specialist, Portfolio Management Division, D/O
(b) Loan Specialist, Portfolio Management Division, B/O

PART V—CLAIMS REVIEW COMMITTEE

Section A—Authority to Compromise Claims

1. *District Claims Review Committee.* This cimmittee shall consist of the Portfolio Management (PM) Chief, (or Supervisory PM Officers), serving as chairman, the Finance Division Chief (or the Supervisory Finance Division Officer) and the District Counsel or those officially acting in their behalf. In those district offices not having any one of these positions, the committee shall consist of the Assistant District Director for Finance and Investment, acting as chairman, the Assistant

District Director for Management Assistance and District Counsel or those officially acting in their behalf.

a. Claims not in excess of $25,000 (excluding interest) upon unanimous vote of the Committee.

2. *Regional Claims Review Committee.* This committee shall consist of Assistant Regional Director for Finance and Investment (chairman); Assistant Regional Director for Management Assistance; and Regional Counsel or those officially acting in their behalf. Authority is delegated to take final action on compromise proposals of indebtedness owed to the Agency as follows:

a. Claims not in excess of $25,000 (excluding interest) upon majority vote of the Committee.

b. Claims in excess of $25,000 but not exceeding $100,000 (excluding interest) upon unanimous vote of the Committee.

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

Section A—Certificate of Competency Approval Authority

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance

Section B—Section 8(a) Contracting Authority (SBAct)

1. To enter into contracts such as, but not limited to, supplies, services, construction, and concessions on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration, and agreeing to the terms and conditions of such contracts up to the following amounts:

a. Regional Director	Unlimited
b. Assistant Regional Director for PA	Unlimited
c. Contract Specialist, Region X R/O	$250,000
d. District Director, Washington, D/O	Unlimited
e. District Directors. All Region VI D/O's, New York D/O, Newark D/O and Chicago D/O	$350,000
f. District Directors, Region IX and Anchorage D/O	500,000
g. Assistant District Directors for PA, San Francisco and Los Angeles D/O's	100,000
h. Assistant District Director for PA, New York D/O and Newark D/O	350,000
i. Contract Specialist, Anchorage D/O	250,000
j. Branch Manager, El Paso, Texas	350,000

2. To arrange for the performance of such contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to small business concerns or others. Further, to arrange for such management services as deemed necessary to enable the Small Business Administration to perform such contracts based upon the availability of funds, contracts not to exceed the following amounts:

a. Regional Director	Unlimited
b. Assistant Regional Director for PA	Unlimited
c. Contract Specialist, Region X R/O	$250,000
d. District Director, Washington D/O	Unlimited
e. District Directors, All Region VI D/O's, New York D/O, Newark D/O and Chicago D/O	$350,000
f. District Directors, Region IX and Anchorage D/O	500,000
g. Assistant District Director for PA, San Francisco and Los Angeles D/O's	100,000
h. Contract Specialist, Anchorage D/O	250,000
i. Branch Manager, El Paso, Texas, B/O	350,000

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer, such contract not to exceed the following amount:

a. Regional Director	Unlimited
b. Assistant Regional Director for PA.	Unlimited
c. Chief, Business Development, Region III R/O.	Unlimited
d. Contract Specialist, Region X.	$250,000
e. District Director, Washington, D/O.	Unlimited
f. District Directors, all Region VI D/O's, New York D/O, Newark D/O and Chicago D/O.	$350,000
g. District Directors, Region IX and Anchorage D/O.	500,000
h. Assistant District Director for PA, Region IX.	500,000
i. Assistant District Director for Pa., New York D/O and Newark D/O.	350,000
j. Contract Specialist, Anchorage D/O.	250,000
k. Branch Manager, El Paso, Texas, B/O.	350,000

PART VII—MANAGEMENT ASSISTANCE PROGRAM

Section A—Call Contracts Authority

1. *Administration and Management of Call Contracts.* To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in section 7(j) of the Small Business Act, as amended, (formerly under section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contract.

a. Regional Director.
b. Assistant Regional Director for Management Assistance.
c. District Director.
d. Assistant District Director for Management Assistance.

PART VIII—LEGAL SERVICES

Section A—Authority to Conduct Litigation Activities

1. To conduct all litigation activities, including SBIC and Economic Development Administration matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Adminstration under the terms of a participation or guaranty agreement (including lease guarantees); or

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Director
(2) Regional Counsel
(3) Attorney, Regional Office
(4) District Counsel
(5) Attorney, District Office
(6) Branch Counsel
(7) Attorney, Branch Office

Section B—Loan Closing Authority

1. To close and disburse approved SBA loans and to close EDA loans, as authorized:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office

d. District Counsel
e. Attorney, District Office
f. Branch Counsel
g. Attorney, Branch Office

2. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office
d. District Counsel
e. Attorney, District Office
f. Branch Counsel
g. Attorney, Branch Office

3. To approve or disapprove fees charged by borrowers' counsel:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office
d. District Director
e. District Counsel
f. Attorney, District Office
g. Branch Manager
h. Branch Counsel
i. Attorney, Branch Office

PART IX—ELIGIBILITY AND SIZE DETERMINATIONS

Section A—Eligibility Determinations

1. *Eligibility Determination Authority.* In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under *any program of* the Agency: *EXCEPT the SBIC program.*

a. Regional Director
b. All officials having the authority and assigned responsibility to take final action on the assistance requested.

Section B—Size Determinations

1. *Size Determination Authority.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make initial size determinations of applicants for assistance under *any* program of the Agency:

a. Regional Director
b. All other officials having authority and assigned responsibility to take final action on the assistance requested. *EXCEPT* the SBIC procurement and sales activities:

2. *Size Determinations for Government Procurement and Sales.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make size terminations for government procurement and sales activities.

a. Regional Director
b. Assistant Regional Director for PA
c. District Director, EXCEPT Region X.

PART X—ADMINISTRATIVE

Section A—Authority to Purchase, Rent, or Contract for Equipment, Services, and Supplies.

1. *Purchase Reproductions of Loan Documents.* To purchase reproductions of loan documents, chargeables to the revolving fund requested by U.S. Attorneys in foreclosure cases:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

2. *Office Supplies and Equipment.* To purchase office supplies and equipment and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257(a) and (b) of that Chapter:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

3. *Rental of Motor Vehicles.* To rent motor vehicles when not furnished by this Administration:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

4. *Rental of Conference Space.* To rent temporarily SBA conference space located within the respective geographical jurisdiction.

a. Regional Director

5. *Use of Seal of the Small Business Administration.* To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certification.

a. Regional Director
b. District Director
c. Branch Manager

PART XI—REDELEGATION AUTHORITY

Section A—Redelegation

1. The Associate Administrator for Operations may amend, modify, of revoke specific authorities delegated to field positions within the limitations of this document.
2. The Administrator shall approve delegations expanding the scope of any delegation herein.
3. The authority delegated herein may be exercised by an SBA employee designated as acting in a position designated herein.
4. Regional directors, district directors, and branch managers may withhold or limit authorities delegated to those positions prescribed in this document for a period not to exceed six months. Information relating to these temporary exceptions will be maintained and available for examination in their respective field offices.

[FR Doc.76-5281 Filed 2-24-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 983]

ASSIGNMENT OF HEARINGS

FEBRUARY 20, 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 136315 Sub 5, Olen Burrage Trucking, Inc., now being assigned April 21, 1976 at Jackson, Mississippi, in a hearing room to be later designated.

MC 139378 Sub 2, Lloyd C. Busbee, now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 140033 Sub 9, Cox Refrigerated Express, Inc., now being assigned April 26, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 128273 Sub 178, Midwestern Distribution, Inc., now being assigned April 27, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 134105 Sub 14, Celeryvale Transport, Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 133119 Sub 72, Heyl Truck Lines, Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 128075 Sub 5, Banana Shipping Service, Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 124170 Sub 53, Frostways, Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 119792 Sub 50, Chicago Southern Transportation Co., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.

MC 119669 Sub 55, Tempco Transportation, Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.
MC 118142 Sub 93, M. Bruenger & Co., Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.
MC 105813 Sub 207, Belford Trucking Co., Inc., now being assigned April 29, 1976, at New Orleans, Louisiana, in a hearing room to be later designated.
MC 139495 Sub 93, National Carriers, Inc., now being April 27, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.
MC 118612, Sub 8, B. T. Service, Inc., DBA Columbia Trucking Company, now being assigned April 29, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.
MC 140902 Sub 1, DPD, Inc., now being assigned Pre-hearing conference March 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 134483 Sub 4, Donald K. Vines, dba Don Vines Trucking, now assigned March 3, 1976, at Los Angeles, California, in Room 7210, 300 N. Los Angeles Street.
MC-F-12510, Imperial Van Lines, Inc.—Control—Martin Van Lines, Inc., now being assigned March 8, 1976, at Los Angeles, California, in Room 7210, 300 N. Los Angeles Street.
MC 113528 (Sub-No. 24), Mercury Freight Lines, Inc., now being assigned for continued hearing on March 22 (3 days), at Baton Rouge, La., Auditorium, One American Place, 4th and North Streets.
MC 124211 Sub 259, Hilt Truck Line, Inc., now assigned February 25, 1976, at Omaha, Nebr., is cancelled and application is dismissed.
MC 20783 (Sub-No. 108), Tompkins Motor Lines, Inc.; MC 108207 (Sub-No. 420), Frozen Food Express, Inc., and MC 140389 (Sub-No. 1), Osborn Transportation, Inc., now being assigned April 26, 1976, in Mobile, Alabama, in a hearing room to be later designated.
MC 56640 (Sub-No. 35), Delta Lines, Inc., now assigned March 22, 1976, at San Francisco, Calif., March 29, 1976, at Los Angeles, Calif., April 20, 1976, at Eugene, Oregon, and April 26, 1976, at Medford, Calif., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5375 Filed 2-24-76;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 20, 1976.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56241 filed January 28, 1976. Applicant: ROGERS MOTOR EXPRESS, a Corporation, P.O. Box 3971, Modesto, Calif. 95352. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities, between all points and places on or within 25 miles of: (1) Interstate Highway 80 between San Francisco and Roseville. (2) State Highway 99 to its intersection with Interstate Highway 5, Interstate Highway 5 to its intersection with Interstate Highway 10, and Interstate Highway 10, between Sacramento and Redlands. (3) The route constructed via Interstate Highways 80, 580 and 205, State Highway 99 and U.S. Highway 50, used consecutively, between San Francisco and Placerville. (4) State Highway 120 between its junctions with Interstate Highway 5 at Mossdale Wye and State Highway 108 at Yosemite Junction. (5) State Highway 108 between Yosemite Junction and Dardanelle. (6) State Highway 12 between Suisun City-Fairfield and Clements. (7) State Highway 88 between Clements and Jackson. (8) State Highway 4 between its intersection with Interstate Highway 80, near Pinole, and Stockton. (9) State Highway 33 between its intersection with Interstate Highway 205, near Tracy, and Maricopa. (10) U.S. Highway 101 to its intersection with Interstate Highway 5, and Interstate Highway 5, between Hopland and San Ysidro. (11) State Highway 1 between its junction with U.S. Highway 101 near Oxnard and Interstate Highway 5 near Capistrano Beach. (12) State Highway 65 between Yuba City and Roseville. (13) State Highway 37 between Ignacio and Vallejo.

(14) State Highway 70 between Marysville and Oroville. (15) Interstate Highway 15 (U.S. Highway 395) between Riverside and San Diego. (16) State Highway 152 between Gilroy and Calif.; and (17) State Highway 17 between Oakland and San Jose. Restrictions: No local service shall be rendered between points and places in the San Francisco-East Bay Cartage Zone, as described in Note A, on the one hand, and points and places in Marin, Sonoma, or Napa Counties north of San Rafael, on the other hand. No service shall be rendered locally between points or places in the Los Angeles Basin Territory as described in Note B. No service shall be rendered between points and places enumerated in subparagraphs (1) through (17) inclusive, on the one hand, and the Los Angeles Basin Territory, on the other hand. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi trailers or a combination of such highway vehicles

(5) Commodities when transported in conventional tilt dump trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Tomato plants, and fresh fruits and fresh vegetables from any point of origin to any point of destination other than a common carrier trans-shipping facilitiy for further transportation; also empty containers and/or pallets when used, or shipped out for use, in connection with such movements of tomato plants, fresh fruits and fresh vegetables. (8) Cans, metal, tinplated or not tinplated, with or without ends. (9) Cotton, cotton linters and cotton motes. (10) Logs; and (11) Fertilizer compounds, (manufactured fertilizers), fungicides, agricultural, and insecticides, agricultural, except when moving from to or between common carrier terminal facilities in connection with prior or subsequent common carrier transportation from or to points beyond such facilities.

NOTE A.—San Francisco-East Bay Cartage Zone: The San Francisco-East Bay Cartage Zone includes the areas embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway).

Thence continuing northeasterly along an imaginary line one mile southerly

of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168 Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay.

Thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

NOTE B.—LOS ANGELES BASIN TERRITORY: Los Angeles Basin Territory includes that area embraced by the following boundary:

Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74.

Thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Applicant requests that its operating authority be amended by amending the third restriction on page 2 of its authority to read: "No service shall be rendered between the points and places enumerated in subparagraphs (1) through (17) inclusive, on the one hand, and the Los Angeles Basin territory on the other hand, except Carrier is authorized to serve points and places in the Los Angeles Basin territory limited to the interchange of freight with authorized common carriers under published through rates." Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

New Mexico Docket No. 4269, filed February 2, 1976. Applicant: JESSE EASLEY, doing business as VAL VERDE CARTAGE & STORAGE, P.O. Box 302, Socorro, N. Mex. 87801. Applicant's representative: James E. Snead, P.O. Box 2226, Santa Fe, N. Mex. 87501. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *General commodities* (except commodities in bulk, household goods and commodities which because of size or weight require the use of special equipment for handling), between points and places within a 50 mile radius of Socorro, N. Mex.; and (2) *livestock*, between points and places in New Mexico. The above authority described in (1) above is also sought in Interstate Commerce pursuant to Section 206 (a)(6) of the Interstate Commerce Commission Act. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place scheduled on Thursday, March 18, 1976 at 10 a.m. at the Socorro County Court House, Socorro, N. Mex. Requests for prointent to protest this application must reach the office of the State Corporation Commission, P.O. Drawer 1269, Santa Fe, N. Mex. 87501, at least five days prior to the hearing date. Copy of such protest shall also be mailed to the applicant, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5374 Filed 2-24-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 20, 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 11, 1976.

FSA No. 43124—*Sulphur from Texas City, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-590), for interested rail carriers. Rates on sulphur, in carloads and tank-car loads, as described in the application, from Texas City, Texas, to specified points in southern territory.
Grounds for relief—Market competition.
Tariff—Supplement 69 to Southwestern Freight Bureau, Agent, tariff 102-A, I.C.C. No. 5077. Rates are published to become effective on March 17, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5370 Filed 2-24-76;8:45 am]

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 20, 1976.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there

will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 26, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-60580 (Deviation No. 6), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada, H8N1X4, filed February 10, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Elmhurst, Pa., over Interstate Highway 84 to junction New York State Thruway, thence over New York State Thruway to Albany, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Elmhurst, Pa., over U.S. Highway 611 to junction Alternate U.S. Highway 611, thence over Alternate U.S. Highway 611 to Portland, Pa., thence over US. Highway 611 to Easton, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over Truck U.S. Highway 1 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 32, thence over New York Highway 32 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., and return over the same route.

No. MC-60580 (Deviation No. 7), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada, H8N1X4, filed February 10, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lancaster, Pa., over Pennsylvania Highway 501 to junction Pennsylvania Highway 283, thence over Pennsylvania Highway 283 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Harrisburg Expressway, thence over Harrisburg Expressway to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 15A, thence over New York Highway 15A to Rochester, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lancaster, Pa., over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., thence via the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 via Fulton, N.Y., to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y, and return over the same route.

No. MC-60580 (Deviation No. 8), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada, H8N1X4, filed February 10, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lancaster, Pa., over Pennsylvania Highway 501 to junction Pennsylvania Highway 283, thence over Pennsylvania Highway 283 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Harrisburg Expressway, thence over Harrisburg Expressway to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 390, thence over Interstate Highway 390 to junction New York Highway 36, thence over New York Highway 36 to junction New York Highway 63, thence over New York Highway 63 to junction New York Highway 98, thence over New York Highway 98 to junction New York State Thruway, thence over New York State Thruway to junction Interstate Highway 290, thence over Interstate Highway 290 to Tonawanda, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lancaster, Pa., over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., thence via the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 via Fulton, N.Y., to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y., thence over New York Highway 33 to Buffalo, N.Y., thence over New York Highway 384 to Tonawanda, N.Y., and return over the same route.

No. MC-115093 (Deviation No. 26), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cuthbert, Ga., over U.S. Highway 82 to Dawson, Ga., thence over Georgia Highway 118 to Smithville, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Macon, Ga., over Georgia Highway 49 to junction Georgia Highway 27, thence over Georgia Highway 27 to Americus, Ga., thence over U.S. Highway 19 via Meigs, Ga., to junction Alternate U.S. Highway 19, thence over Alternate U.S. Highway 19 to Thomasville, Ga., thence over U.S. Highway 319 to Tallahassee, Fla., thence over U.S. Highway 90 to Pensacola, Fla., (2) From Albany, Ga., over Georgia Highway 62 to junction Alabama Highway 52, and (3) From Columbus, Ga., over U.S. Highway 27 to Blakely, Ga., and return over the same routes. Said operations in (1), (2), and (3 above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC-115093 (Deviation No. 27), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lumpkin, Ga., over Georgia Highway 27 to Richland, Ga., thence over U.S. Highway 280 to Americus, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Macon, Ga., over Georgia Highway 49 to junction Georgia Highway 27, thence over Georgia Highway 27 to Americus, Ga., thence over U.S. Highway 19 via Meigs, Ga., to junction Alternate U.S. Highway 19, thence over Alternate U.S. Highway 19 to Thomasville, Ga., thence over U.S. Highway 319 to Tallahassee, Fla., thence over U.S. Highway 90 to Pensacola, Fla., (2) From Albany, Ga., over Georgia Highway 62 to junction Alabama Highway 52, and (3) From Columbus, Ga., over U.S. Highway 27 to Blakely, Ga., and return over the same routes. Said

operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 28), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Smithville, Ga., over Georgia Highway 118 to Leslie, Ga., thence over U.S. Highway 280 to Cordele, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Macon, Ga., over Georgia Highway 49 to junction Georgia Highway 27, thence over Georgia Highway 27 to Americus, Ga., thence over U.S. Highway 19 via Meigs, Ga., to junction Alternate U.S. Highway 19, thence over Alternate U.S. Highway 19 to Thomasville, Ga., thence over U.S. Highway 319 to Tallahassee, Fla., thence over U.S. Highway 90 to Pensacola, Fla., and (2) From Louisville, Ga., over U.S. Highway 221 to junction U.S. Highway 319, thence over U.S. Highway 319 to Dublin, Ga., thence over U.S. Highway 80 to junction Georgia Highway 26, thence over Georgia Highway 26 to Hawkinsville, Ga., thence over Georgia Highway 27 to junction U.S. Highway 41, thence over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga., and return over the same routes. Said operations in (1), and (2), above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 29), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Valdosta, Ga., over U.S. Highway 221 to Hazlehurst, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., (2) From Midway, Ga., over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 84 to Thomasville, Ga., and (3) From Atlanta, Ga., over U.S. Highway 23 to junction U.S. Highway 1, and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 30), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tifton, Ga., over U.S. Highway 319 to McRae, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., (2) From Louisville, Ga., over U.S. Highway 221 to junction U.S. Highway 319, thence over U.S. Highway 319 to Dublin, Ga., thence over U.S. Highway 80 to junction Georgia Highway 26, thence over Georgia Highway 26 to Hawkinsville, Ga., thence over Georgia Highway 27 to junction U.S. Highway 41, thence over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga., and (3) From Atlanta, Ga., over U.S. Highway 23 to junction U.S. Highway 1, and return over the same routes. Said operation in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 31), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hazlehurst, Ga., over U.S. Highway 221 to junction U.S. Highway 80, near Adrian, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., (2) From Macon, Ga., over U.S. Highway 80 to Savannah, Ga., and (3) From Hazlehurst, Ga., over U.S. Highway 341 to Brunswick, Ga., and return over the same routes. Said operation in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 32), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From McRae, Ga., over U.S. Highway 319 to Dublin, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Macon, Ga., over U.S. Highway 80 to Savannah, Ga., (2) From Louisville, Ga., over U.S. Highway 221 to junction U.S. Highway 319, thence over U.S. Highway 319 to Dublin, Ga., thence over U.S. Highway 80 to junction Georgia Highway 26, thence over Georgia Highway 26 to Hawkinsville, Ga., thence over Georgia Highway 27 to junction U.S. Highway 41, thence over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga., and (3) From Atlanta, Ga., over U.S. Highway 23 to junction U.S. Highway 1, and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 33), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over Georgia Highway 61 to junction Georgia Highway 20, thence over Georgia Highway 20 to Sugar Hill, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Greenville, S.C., over U.S. Highway 123 to junction U.S. Highway 23, thence over U.S. Highway 23 to Atlanta, Ga., and (2) From Miami, Fla., over U.S. Highway 41 to Calhoun, Ga., and return over the same routes. Said operations in (1), and (2), above, are restricted to the transportation of traffic moving between

points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 34), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Ga., over Georgia Highway 16 to Eatonton, Ga., thence over Georgia Highway 44 to Greensboro, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Columbia, S.C., over U.S. Highway 378 to Washington, Ga., thence over Georgia Highway 44 to Union Point, Ga., thence over U.S. Highway 278 to Atlanta, Ga., and (2) From Atlanta, Ga., over U.S. Highway 23 to junction U.S. Highway 1, and return over the same routes. Said operation: in (1), and (2), above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 35), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Charlotte, N.C., over North Carolina Highway 49 to Asheboro, N.C., thence over U.S. Highway 64 to Raleigh, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton, Grove, N.C., and (2) From Spartansburg, S.C., over U.S. Highway 221 to junction Interstate Highway 85, thence over Interstate Highway 85 to Greensboro, N.C., and return over the same routes. Said operations in (1) and (2), above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5373 Filed 2-24-76;8:45 am]

[Notice No. 15]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Gants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications. Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before March 26, 1976. (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 134477 (Sub-No. 82) (Republication), filed October 11, 1974 and published in the FEDERAL REGISTER issue of November 14, 1974, and republished this issue. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). An Order of the Commission, Review Board Number 3, dated February 2, 1976, and served February 6, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *canned goods and cold-packed fruit*, from Belgium, Random Lake, and Sturgeon Bay, Wis., to points in Minnesota, North Dakota, and South Dakota, restricted to the transportation of shipments originating at the facilities of Krier Preserving Company at the named origin points, that applicant is fit, willing, and able properly to perform such servce and to conform to the requirement of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the broadening of applicant's commodity description to include cold-packed fruit. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of on or before March 26, 1976, of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 78276 (Sub-No. 1) (Notice of filing of petition to modify certificate), filed January 16, 1976. Petitioner: MAZZEO & SONS EXPRESS, a Corporation, 311 So. River St., Hackensack, N.J. 07601. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 78276 (Sub-No. 1), issued April 29, 1968, authorizing transportation, over irregular routes, of Wearing apparel, on hangers, between the terminal site of Gilbert Carrier Corp., located at or near Secaucus, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., and Rockland County, N.Y. By the instant petition, petitioner seeks to delete Gilbert Carrier Corp. located at or near Secaucus, N.J. as a terminal site in the

above authority, and to substitute in lieu thereof Mazzeo & Sons Express at Hackensack, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 78276 and (Sub-No. 3) (Notice of filing of petition for clarification and amendment of certificates), filed January 13, 1976. Petitioner: MAZZEO & SONS EXPRESS, a Corporation, 311 S. River Street, Hackensack, N.J. 07601. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor *common carrier* certificates in Nos. MC 7827e6 and (Sub-No. 3), issued July 7, 1953 and April 9, 1968, respectively, authorizing transportation, over irregular routes, in MC 78276, of *Wearing apparel and piece goods*, between Emerson, Park Ridge, Hillsdale, Westwood, Paterson, Hackensack, Guttenberg, and Bergenfield, N.J., on the one hand, and, on the other, New York, N.Y.; and in MC 78276 (Sub No. 3), of *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand, and, on the other, points in Essex, Hudson, Union, Bergen, and Passaic Counties, N.J., and Rockland County, N.Y.

By the instant petition, petitioner seeks to correct, modify, or clarify portions of authority involving the territorial description of New York, N.Y. Commercial Zone. In Ex Parte No. MC 37, the Third Supplemental Report of the Commission, reported in 48 M.C.C. 418, the Commission determined that the terminal area of a carrier construed as authorizing service at all points within the commercial area limits. The petitioner because of the present situation, seeks relief in the alternative, either by amending its certificate to authorize operations between the New York, New York Commercial Zone, instead of New York; or that petitioner be permitted to establish as its terminal area all points within which local operations may now be conducted in the New York, New York Commercial Zone as redefined. If the request is granted, petitioner would modify Certificate No. MC 78276 so as to read, *Wearing apparel and piece goods*, between Emerson, Park Ridge, Hillsdale, Westwood, Paterson, Hackensack, Guttenberg, and Bergenfield, N.J., on the one hand, and, on the other, New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y.; and in MC 78276 (Sub-No. 3) so as to read, *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in Essex, Hudson, Union, Bergen, and Passaic Counties, N.J., and Rockland County, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115331 (Notice of filing of petition to modify commodity description), filed January 15, 1976. Petitioner: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Petitioner holds a motor *common carrier* certificate in No. MC 115331, issued March 12, 1965, authorizing transportation, as pertinent, over irregular routes, of (a) *Lime and lime products*, in bulk, from Mosher and Ste. Genevieve, Mo., to points in Arkansas, Indiana, and Tennessee; and (b) *Lime and lime products*, in bags, from Mosher and Ste. Genevieve, Mo., to Chicago, Ill., and points in Arkansas, Indiana, Iowa, Kentucky, and Tennessee (except Memphis, Tenn.). By the instant petition, petitioner seeks to modify the commodity description in (a) above, so as to read, *Lime, limestone, and limestone products*, in bulk; and in (b) so as to read, *Lime, limestone, and limestone products*, in bags. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 138069 and (Sub-No. 2) (Notice of filing of petition to remove restriction), filed January 9, 1976. Petitioner: LUCIUS, INC., 9250 North Wadsworth Boulevard, Broomfield, Colo. 80020. Petitioner's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Petitioner holds a motor *common carrier* certificate in No. MC 138069, issued November 23, 1973, authorizing transportation, over irregular routes, of *Alcoholic beverages and non-alcoholic beverage mixes*, from points in Illinois, Indiana, Michigan, Kentucky, Louisiana, and Texas, and Delano, St. Helena, Livermore, Lodi, San Francisco, San Jose, San Martin, and Sonoma, Calif., to Denver, Colo., restricted against the transportation of commodities in bulk, and further restricted to the transportation of shipments originating at the above-described origins and destined to the facilities of Davis Bros., Inc., at Denver, Colo.; and in (Sub-No. 2), petitioner does not hold a certificate, but had an order granted October 31, 1975, authorizing transportation, over irregular routes of *Alcoholic beverages and non-alcoholic beverage mixes* (except commodities in bulk), from points in California and St. Louis, Mo. (except points in that part of the St. Louis, Mo., Commercial Zone located in Illinois), to Denver, Colo., restricted to the transportation of shipments originating at the named origins and destined to the facilities of Davis Bros., Inc., at Denver, Colo. By the instant petition, petitioner seeks to remove that portion of restriction in MC 138069 and (Sub-No. 2), which reads "and destined to the facilities of Davis Bros., Inc., at Denver, Colo." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 3130 (Sub-No. 1), filed December 29, 1975. Applicant: LEIGHTON TRANS., INC., 172 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving points in Massachusetts as off-route points in connection with carrier's authorized regular route operations in Massachusetts.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12733 published in the FEDERAL REGISTER issue of January 21, 1976. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60251 (Sub-No. 11), filed January 27, 1976. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I. 02840. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2183, 622 Lowell St., Peabody, Mass. 01960. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Pawtucket, Providence, and East Providence, R.I., to points in Connecticut west of a line commencing at the Massachusetts-Connecticut State line and extending along Connecticut Highway 169 (formerly Connecticut Highway 93) to Norwich, Conn., and thence along the Thames River to the Atlantic Seacoast. The purpose of this filing is to eliminate the gateway of New London, Conn.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12744 published in the FEDERAL REGISTER issue of January 21, 1976. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 73828 (Sub-No. 2), filed December 22, 1975. Applicant: D & R MOVING & TRUCKING, INC., 249 Evans Avenue, Oceanside, N.Y. 11572. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within 100 miles of Columbus Circle, New York, N.Y., in Connecticut, New Jersey, New York, and Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Massachusetts, Maryland, New Hampshire, New Jersey (except points in Essex, Union, and Hudson Counties), New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New York, N.Y.

NOTE.—This is a gateway elimination request and is a matter directly related to a transfer application in MC–FC–76287. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110988 (Sub-No. 330), filed February 3, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, in bulk, in tank or hopper-type vehicles, from Chicago, Chicago Heights, Lemont, Frankfort, and Joliet, Ill., and points in their respective commercial zones in Illinois, to points in Indiana, Ohio, Kentucky, Michigan, Missouri, Iowa, Kansas, Wisconsin, and Minnesota. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill. (2) *Chemicals*, in bulk, in tank vehicles, from Chicago, Chicago Heights, Lemont, Frankfort, and Joliet, Ill., and points in their respective commercial zones in Illinois, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Texas, Oklahoma, Arkansas, Louisiana, Tennessee (except those points in that part of Tennessee east of U.S. Highway 27), Mississippi, Alabama, West Virginia, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Utica, Ill. (3) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Chicago, Chicago Heights, Lemont, Frankfort, and Joliet, Ill., and points in their respective commercial zones in Illinois, to points in New York and New Jersey. The purpose of this filing is to eliminate the gateway of South Beloit, Ill.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Common control may be involved. Applicant seeks to eliminate the restriction in No. MC 110988 (Sub-No. 79) to permit tacking. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12768 published in the FEDERAL REGISTER issue of February 18, 1976. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 201), filed January 9, 1976. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and petroleum oils* (except paint ingredients) in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Wisconsin, Wyoming, and that part of South Dakota on and west of U.S. Highway 83, restricted to liquid chemicals that are derived from petroleum or petroleum products (except liquefied petroleum gases, including anhydrous ammonia and petroleum aromatic compounds) as defined in *The Maxwell Company, Extension-Addyston*, 63 M.C.C. 677, shall not be transported.

NOTE.—The purpose of this application is to allow for continuation of tacking and elimination of gateways at Junction U.S. Highway 41 and Interstate Highway 94 and Chicago, Ill. The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC–F–12552 published in the FEDERAL REGISTER issue of June 25, 1975. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116457 (Sub-No. 15), filed January 12, 1976. Applicant: GENERAL TRANSPORTATION, INCORPORATED, 1804 S. 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particle board and boards or sheet* made from ground wood, and points in Washington, Oregon, and California, to points in New Mexico, Texas, Oklahoma, and Arkansas.

NOTE.—This is a matter directly related to a Section 5(2) proceeding in MC–F–12650 published in the FEDERAL REGISTER issue of October 16, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Albuquerque, N. Mex., or Los Angeles, Calif.

No. MC 136553 (Sub-No. 37) (Partial correction), filed December 18, 1975, published in the FEDERAL REGISTER issue of February 4, 1976, and republished, as corrected, this issue. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Sub-No. 1) *Building materials* (except commodities in bulk), from Dubuque, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Klaeur Manufacturing Company, of Dubuque, Iowa (Sub-No. 5), *building materials* (except commodities in bulk), from Dubuque, Iowa, to poinits in Alabama, Arkansas, California, Colorado, Georgia, Kentucky, Michigan, Montana, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, with no transportation for compensation on return except as otherwise authorized, *material and supplies* (except commodities in bulk), used in the manufacture and distribution of building materials, from points in Arkansas, California, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, to Dubuque, Iowa, with no transportation for compensation on return except as otherwise authorized.

Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of iron and steel from the Chicago, Ill., Commercial Zone, as defined by the Commission. The operations authorized herein are limited to the transportation service to be performed, under a continuing contract, or contracts with Klaeur Manufacturing Company, of Dubuque, Iowa (Sub-No. 10) *malt beverages and advertising material*, (a) from Minneapolis-St. Paul, Minn., and St. Louis, Mo., to Dubuque, Iowa, under contract with Kirchhoff Dist. Company, Iowa; (b) from Milwaukee, Wis., to Dubuque, Iowa, under contract with Dubuque Holiday Sales Inc., Dubuque, Iowa; (c) from Minneapolis, Minn., Milwaukee and Monroe, Wis., to Dubuque, Iowa, under contract with Hunt Beverage Co., Dubuque, Iowa, and (Sub-No. 19) (1) *malt*

beverages, and accompanying advertising material, (a) from Minneapolis-St. Paul, Minn., to East Dubuque, Ill., under contract with the Jansen Beverage Co. at East Dubuque, Ill., and (b) from Dubuque, Iowa, to points in Illinois and Indiana located on and north of U.S. Highway 36, under contract with the Pickett Brewing Co., at Dubuque, Iowa, and (2) *aluminum building products and related accessories,* in shipper-owned trailers, from Dubuque and Osage, Iowa, and Minneapolis, Minn., to points in Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Jo Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill., to points in Iowa (except from Dubuque and Osage, Iowa), to points in Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and points in Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis., under contract with the Zephyr Aluminum Products Inc., at Dubuque, Iowa.

NOTE.—The purpose of this partial republication is to correct the publication as stated above. The purpose of this application is to convert the above described Permits to Certificates of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC–F–12706 published in the FEDERAL REGISTER issue of December 17, 1975. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139917 (Sub-No. 2), filed January 15, 1976. Applicant: SEARAIL, INC., 701 South Royal Street, P.O. Box 909, Mobile, Ala. 36601. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except explosives), (1) Between Mobile, Ala., and the Alabama-Florida State line: From Mobile over U.S. Highway 90 to the Alabama-Florida State Line, serving all intermediate points, (2) Between Mobile, Ala., and Fairhope, Ala.: From Mobile over U.S. Highway 98 (formerly East Shore Boulevard and U.S. Highway 90), to Fairhope, Ala., serving all intermediate points, (3) Between Mobile, Ala., and Foley, Ala.: From Mobile over U.S. Highway 98 and Alabama State Highway 59 in conjunction with U.S. Highway 90 formerly Alabama State Highways 3 and 89), to Foley, Ala., serving all intermediate points, and (4) Between Fairhope, Ala., and Robertsdale, Ala.: From Fairhope over Alabama State Highway 104 to Robertsdale, serving the off-route points of Lillian, Gulf Shores, Elberta, Point Clear, and Magnolia Springs, Ala.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Common control may be involved. This is a matter directly related to a Section 5(2) proceeding in MC–F–12756 published in the FEDERAL REGISTER issue of February 4, 1976. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Mobile, Ala.

No. MC 140672 (Sub-No. 1), filed January 14, 1976. Applicant: MOSAIC TRUCKING COMPANY, INC., 900 U.S. Highway No. 1, Avenel, N.J. 07001. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. 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, liquor, livestock, silk, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Monmouth, Somerset, and Union Counties, N.J., Lakewood and Point Pleasant, N.J., and those points in Middlesex County on and north of the Raritan River to junction of U.S. Highway 1 and New Jersey Highway 18 and north of New Jersey Highway 18 from junction with U.S. Highway 1 (with no Commercial Zone applicability south of those lines), on the one hand, and, on the other, New York, N.Y. The purpose of this filing is to eliminate the gateway of Newark, N.J.

NOTE.—This is a gateway elimination request and is a matter directly related to a transfer application in MC–FC–76121. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC–F–12739. (Correction) (WILSON FREIGHT COMPANY — PURCHASE (PORTION)—RED STAR EXPRESS LINES OF AUBURN, INC. dba RED STAR EXPRESS LINES, published in the January 28, 1976, issue of the FEDERAL REGISTER on page 4085. Prior notice should include "(3) between Syracuse, N.Y., and Utica, N.Y., serving all intermediate points, from Syracuse over N.Y. Highway 5 to Utica, and from Syracuse over N.Y. Highway 5 to junction N.Y. Highway 5S, thence over N.Y. Highway 5S to Rome, N.Y., thence over N.Y. Highway 49 (also over N.Y. Highway 5S) to Utica. In MC–F–12591, RED STAR LINES OF AUBURN, INC., dba RED STAR EXPRESS LINES, seeks to acquire the regular route and irregular route operating rights of COLEMAN BROS. TRANSPORTATION LINES, INC., and in a related proceeding in Docket No. MC 59135, Sub No. 29, seeks to convert intrastate regular route and irregular route operating rights held by COLEMAN BROS. TRANSPORTATION LINES, INC., under a Certificate of Registration to a Certificate of Public Convenience and Necessity. As part of the instant transaction, WILSON FREIGHT COMPANY will acquire, if authorized, the regular route authority RED STAR EXPRESS LINES seeks to acquire between Syracuse and Utica, N.Y. in MC–F–12591, RED STAR EXPRESS LINES—CONTROL and MERGER—COLEMAN BROS. TRANSPORTATION LINES, INC., and will acquire the regular route authority RED STAR EXPRESS LINES seeks in MC–59135, Sub No. 29, as a related proceeding to MC–F–12591."

No. MC–F–12776. Authority sought for purchase by C & R TRANSFER CO., Deadwood Avenue and I–90, P.O. Box 1010, Rapid City, SD 57701, of a portion of the operating rights of MUNCE BROS. TRANSFER & STORAGE CO., 221 South Franklin Avenue, Sioux Falls, SD 57103, and for acquisition by RALPH E. MACY, 2612 Grandview Drive, Rapid City, SD 57701, of control of such rights through the purchase. Applicants' attorney: James R. Becker, 412 W. Ninth St., Sioux Falls, SD 57104. Operating rights sought to be transferred: *Commodities,* the transportation of which, by reason of size or weight, require the use of special equipment and *related contractors' materials, equipment, and supplies* when transported in connection with such commodities, as a *common carrier* over irregular routes, between points in Brookings, Moody, Minnehaha, Lincoln, Union, Clay, Turner, McCook, Lake, Miner, Hanson, Hutchinson, Yankton, Deuel, Kingsbury, Bon Homme, Douglas, Davison, and Sanborn Counties, S. Dak., on the one hand, and, on the other, points in that part of Minnesota south of U.S. Highway 12 extending from the South Dakota-Minnesota State line near Ortonville, Minn., through Willmar and Minneapolis, Minn., to the Minnesota-Wisconsin State line (excluding points in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission), and points in Iowa and Nebraska within 150 miles of Sioux Falls, S. Dak. Vendee is authorized to operate as a *common carrier* in South Dakota, North Dakota, Wyoming, Nebraska, Montana, Iowa, Minnesota, Michigan, Missouri and Wisconsin, and as a *contract carrier* in South Dakota, Iowa, Minnesota, Nebraska, North Dakota, Wyoming, Colorado, Montana, Wisconsin, Illinois, and Michigan. Application has not been filed for temporary authority under section 210a(b).

NOTE.—These duplicating rights of transferor may be cancelled.

No. MC–F–12777. Authority sought for control by REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616, of A. R. GUNDRY, INC., 85 Stanton St., Rochester, NY 14611, and for acquisition by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Blvd., Cleveland, OH 44122, through the acquisition by REFINERS TRANSPORT & TERMINAL CORPORATION, of control of A. R. GUNDRY, INC. Applicants' attorneys: John Andrew Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, and Roland Rice, 618 Perpetual Bldg., Washington DC 20004. Operating rights sought to be controlled: *Liquid petroleum products,* in bulk, in tank trucks, as a *common carrier* over irregular routes, from points and places in McKean, Warren, Venango, and Crawford Counties, Pa., to points and places in certain specified Counties in New York, from Harriet, N.Y., to Erie and Meadville, Pa., from Lackawanna, N.Y., to Erie, Pa., from Schenectady, N.Y., to Pittsfield, Mass., from points and places in Ontario, Seneca, Chemung, Steuben, Monroe, Allegany, Chautauqua, Erie, and Niagara Counties, N.Y., to points and places in certain specified Counties in Pennsylvania, from points and places in McKean, Warren, Venango, and Crawford Counties, Pa., to points and places in certain

specified Counties in New York, from points and places in Carraraugus and Schuyler Counties, N.Y., to points and places in McKean, Warren, Venango, and Crawford Counties, Pa., from points and places in Chemung and Allegany Counties, N.Y., to points and places in Venango County, Pa., from points and places in Livingston, Carraraugus, Schuyler, Onondaga, Wayne, and Oneida Counties, N.Y., to points and places in Erie, McKean, Elk, Potter, Cameron, Tioga, Bradford, and Susquehanna Counties, Pa., from points and places in Erie, Allegany, Chemung, and Monroe Counties, N.Y., to points and places in Potter, Cameron, Elk, and Susquehanna Counties, Pa.

Crude petroleum oil, in bulk, in tank trucks, from Scio, N.Y., to Duke Center, Pa.; *gasoline, kerosene*, and *light fuel oil*, from Schenectady, Glenville, Albany, Renesselaer, Cohoes, and Green Island, N.Y., to Bennington, Vt.; *petroleum* and *petroleum products*, in bulk, in tank vehicles, from the site of the plant of the Hartol Petroleum Corporation near Fort Ann, N.Y., to all points and places in that part of Vermont bounded on the north by U.S. Highway 2 from Burlington, Vt., to its junction with U.S. Highway 302 and the latter highway from its junction with U.S. Highway 302 to its junction with U.S. Highway 5, and on the east by U.S. Highway 5 from its junction with U.S. Highway 302 to the Vermont-Massachusetts state line, including all points and places on the named highways; *liquefied petroleum gas (propane)*, in pressurized tank vehicles, from Warren, Pa., to Clinton, Remsen and Lowville, N.Y., and return with *refused shipments* of the commodities; *benzol, toluol*, and *xylol*, when derived from coal tar, in bulk, in tank vehicles, from Lackawanna, N.Y., to points in certain specified Counties in Pennsylvania; *liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline outlets on the Texas Eastern Transmission Corporation (Little Big Inch Division) pipeline in New York, to points in Connecticut, Massachusetts (except Plymouth, Barnstable and Bristol Counties), New Hampshire, New Jersey, Pennsylvania, Rhode Island and Vermont (except Essex County). REFINERS TRANSPORT & TERMINAL CORPORATION, is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12778. Authority sought for purchase by ACME CARTAGE COMPANY, and MOUNTAIN TRUCKING COMPANY, LTD., a non-carrier, both of 3414 2nd Ave., S., Seattle, WA 98134, of the operating rights and property of INTER-CITY AUTO FREIGHT, INC., and AUTO FREIGHT COMPANY, INC., a non-carrier, both of P.O. Box 1323, Tacoma, WA 98401, and for acquisition by HARMON R. LEONARD, Sr., 1657 73rd NE., Bellevue, WA 98004, HARMON R. LEONARD, Jr., 8818 SE. 62nd, Mercer Island, WA 98040, and RICHARD A. PALANDER, 8401 SE. 134th Pl., Mercer Island, WA 98040, of control of such rights and property through the purchase. Applicants' attorney: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Tacoma, and Seattle, Wash., serving all intermediate points and various off-route points, between Concrete, and Baker Lake, Wash., serving all intermediate points, between Newhalem, and Diablo Dam, Wash., serving the intermediate point of Gorge Dam, Wash., between Seattle, and Newhalem, Wash., serving various intermediate and off-route points, between Everett, and Seattle, Wash., serving no intermediate points, but serving the off-route points of Paine Field, Wash., between Concrete, and Upper Baker River Dam, Wash., serving no intermediate points.

Commodities which because of their size or weight require the use of special equipment, between Rockport, and Diablo Dam, Wash., serving the intermediate points of Marblemount, Newhalem, and Gorge Dam, and the off-route point of Faber Ferry, Wash.; *household goods*, as defined by the Commission, between Seattle, and Diablo Dam, Wash., serving the intermediate points of Rockport, Marblemount, Newhalem, and Gorge Dam, Wash.; and the off-route point of Faber Ferry, Wash.; *general commodities* excepting among others, class A and B explosives, household goods and commodities in bulk, over irregular routes, between Tacoma, Wash., on the one hand, and, on the other, points in Pierce County, Wash., within 10 miles of Tacoma; *household goods*, as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Seattle, Wash., between points within three miles of Tacoma, Wash., including Tacoma; *heavy machinery*, between Tacoma, Wash., on the one hand, and, on the other, points in Pierce and King Counties, Wash. Vendee is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5372 Filed 2-24-76;8:45 am]

[Notice 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 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 61231 (Sub-No. 88TA), filed February 3, 1976. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts and accessories* therefore, *pipe, tubing, light poles, mast arms, brackets, bases, and transmission poles;* and (2) *materials, and supplies*, used in the manufacture and installation of the commodities named in (1) above, (except commodities in bulk), between the plantsite of Valmont Industries, Inc. near Valley, Nebr., on the one hand, and on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota and Wisconsin, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Valmont Industries, Inc., Valley, Nebr. 68064. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 71642 (Sub-No. 18TA), filed February 6, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) Between Newark and

Wilmington, Del., on the one hand, and, on the other, New York, Endicott and Johnson City, N.Y., points in New Jersey, and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State Line and extending along U.S. Highway 11 (formerly shown as U.S. Highway 111), to Harrisburg, Pa., thence along U.S. Highway 11 to the Pensylvania-New York State line, including points indicated portions of the specified highways, (b) between Newark and Wilmington, Del., on the one hand, and on the other, Fairfield County, Conn., the Commercial Zone of Elkhart, and Lafayette, Ind., Hunt Valley, Md., and that part of Massachusetts with points on and east of U.S. Highway 128, and then south of U.S. Highway 3 to Norfolk County Line, and thence to the Coast, the Commercial Zones of Rocky Mount, and Winston-Salem, N.C., the Commercial Zone of Shiremanstown, Pa., Shelby County, Tenn., and the Commercial Zone of Richmond, Va., including the base municipality of each Commercial Zone named; and (2) *materials and supplies* used in the manufacture of paper and paper products, (a) From Covington, Va., to Newark, Del.; (b) from Richmond, Va., to Newark, Del., (1) and (2) under a continuing contract or contracts with Westvaco Corporation 299 Park Avenue, New York, N.Y. 10017, for 180 days. Supporting shippers: Westvaco Corporation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 80428 (Sub-No. 92TA), filed January 28, 1976. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main St., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends and return shipments of refused* and *rejected merchandise, empty pallets and dunnage materials*, (1) from the facilities of Reynolds Metals Company at Newburgh, N.Y. to Baltimore, Md.; Newark, Woodbridge and Paterson, N.J.; Latrobe, Wilkes-Barre and Fogelsville, Pa.; and (2) from the facilities of Reynolds Metals Company at the Town of Wallkill (Orange County), and Warwick, N.Y. to Fogelsville, Pa. Restriction: The operations requested herein are to be restricted to the transportation of traffic originating at the above-named origins or destined to the above-described destination points, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 106920 (Sub-No. 63TA), filed February 5, 1976. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe St., New Bremen, Ohio 45869. Applicant's representative: Betty Komminsk, (same address as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Indianapolis, Ind., to points in Ohio, Pennsylvania and New York, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stokely-Van Camp, Inc., 941 N. Meridian, Indianapolis, Ind. 46206. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 607TA), filed January 30, 1976. Applicant: PUROLATOR COURIER CORP., 333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media*, (a) between Doswell (Hanover Co.) Va., on the one hand, and, on the other, Charlotte, N.C. (b) between Norfolk, Va., on the one hand, and, on the other, Charlotte, Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.; (2) *Single pairs of sample shoes and related accessories*, between Norfolk, Va., on the one hand, and, on the other, Charlotte, Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.; and (3) *Water samples*, restricted against the transportation of packages or articles weighing in excess of 50 pounds in the aggregate, from points in Buchanan, Dickenson, Russell and Wise Counties, Va., to Beckley, W. Va. for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Kings Dominion, Doswell, Va. 23047. Hofheimer's, Inc., Norfolk, Va. 23501. Clinchfield Coal Company, Dante, Va. 24237. Send protests to: Anthony D. Giaimo—District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Rm. 1807, New York, N.Y. 10007.

No. MC 117589 (Sub-No. 33TA), filed February 3, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle Wash. 98108. 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 118806 (Sub-No. 46TA), filed February 2, 1976. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wall paneling and door stock*, from Franklin Park, Ill., to the port or entry on the International Boundary Line between Canada and the United States at or near Noyes, Minn., through the Province of Manitoba and to points in the Provinces of Saskatchewan and Alberta, Canada, for 180 days. Supporting shipper: Pan American Gyro-Tex, Ltd., 10501 West Waveland Avenue, Franklin Park, Ill. 60131. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak., 58102.

No. MC 118989 (Sub-No. 131TA), filed January 29, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert Andrin, 127 No. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from the plantsite of the Letica Corporation, Avon Township, Oakland County, Mich., to Cleveland, Medina and Perrysburg, Ohio; Chicago, and Rock Island, Ill.; Green Bay, Oconto, Milwaukee, and Madison, Wis.; Sioux City, Des Moines and Cedar Rapids, Iowa; Omaha, Nebr.; Minneapolis and Chaska, Minn. and Louisville, Ky., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Letica Corporation, 1600 Hamlin Road, Rochester, Mich. 48063, (W. A. Curry). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 897, Milwaukee, Wis. 53203.

No. MC 124109 (Sub-No. 12TA), filed February 2, 1976. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, Iowa 52406. Applicant's representative: Williams L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers, partitions and parts*, therefor, *and materials and supplies*, used in the manufacture, processing and distribution of corrugated containers, between the plantsite of Packaging Corporation of America at Marshalltown, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, under contract with Packaging Corporation of America, for 180 days. Supporting shipper: Packaging Corporation of America, 1603 Orrington Avenue, Evanston, Ill. 60204. Send protests

to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 124658 (Sub-No. 7TA), filed January 29, 1976. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside St., Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, between Portland, Junction City, Oreg.; Lacey, Seattle, Yakima, Moses Lake and Walla Walla, Wash., on one hand, and on the other hand, Emeryville, San Francisco, San Jose, Los Angeles and Pittsburg, Calif.; (2) *Tin plate*, from Fontana and Pittsburg, Calif., to points in Oregon, and Washington; and (3) *Aluminum plate*, from Pittsburg, Calif., to Olympia, Wash., parts (1), (2) and (3) under contract with Continental Can Company, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, Inc., 10200 N. Lombard St., Portland, Oreg. 97203. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 129615 (Sub-No. 18TA), filed February 4, 1976. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, P.O. Box 545, 316 13th St., Decatur, Ind. 46733. Applicant's representative: Anthony Kierzkowski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in motor carrier service, from AMF Skamper Div. plant sites in Hegins, Pa. (Schuykill Cty.), on the one hand, and, on the other, points in Michigan, Kentucky, Tennessee, Mississippi, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Indiana, Ohio, West Virginia, Maine, Vermont, New Hampshire, and Massachusetts, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: AMF Skamper Division, Box 97, Hegins, Pa. 17938. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 133146 (Sub-No. 14TA), filed February 6, 1976. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway Suite—1–M, Atlanta, Ga. 30341. Applicant's representative: Mr. Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers or distributors of (1) *heat transfer, refrigeration and air conditioning units;* (2) *parts and attachments*, for the commodities described in part (1); and (3) *equipment, materials and supplies*, for commodities described in parts (1) and (2), (except commodities in bulk), between Camdenton, Mo., and Dowagiac, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Sundstrand Heat Transfer, Inc., and Dawson Metal Products, Inc., subsidiaries of Sundstrand Corp., for 180 days. Supporting shipper(s): Sundstrant Heat Transfer, Inc., Prairie Ronde, Dowagiac, Mich. 49047. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 134599 (Sub-No. 138TA), filed January 29, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet cushion, and materials, and supplies*, used in the manufacture of carpet cushion, (except commodities in bulk or which because of size or weight require special handling or special equipment), Between Dyersburg, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, (except the St. Louis, Missouri, Commercial Zone) Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia, under contract with Dayco Corporation, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dayco Corporation, P. O. Box 278, Dayton, Ohio 45401, (E. R. Knobel, Director, Traffic and Transportation). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135797 (Sub-No. 47TA), filed January 29, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Feed supplements*, (except in bulk), from the plant or warehouse facilities of or used by Smith Kline Animal Health Products Division of Smith Kline Corporation, Lowell, Ark., to points in Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington and Wisconsin; and (2) (a) *Feed supplements and components*, (except in bulk), from St. Louis, Mo.; Greenville, S.C.; Norwich, N.Y.; Washington, N.J.; Jacksonville, Fla., and Dallas, Tex., to the plant or warehouse facilities of or used by Smith Kline Animal Health Products Division of Smith Kline Corporation, Lowell, Ark., and (b) *Empty containers*, (bags and drums), from St. Louis, Mo.; Peoria, Ill., and Monroe, La., to the plant or warehouse facilities of or used by Smith Kline Animal Health Products Division of Smith Kline Corporation, Lowell, Ark., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Smith Kline Animal Health Products, Division of Smith Kline Corporation, 1500 Spring Garden Street, Philadelphia, Pa. 19101. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139123 (Sub-No. 8TA), filed February 4, 1976. Applicant: GLOUCESTER DISPATCH, INC., P.O. Box 127, Kelly Rd., Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode, % Gloucester Dispatch, Inc., (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, viz: *Donuts*, from the plant site or warehouses of Boston Bonnie, Inc. at or near Boston, Mass., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming, for 180 days. Supporting shipper: Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 313 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 139274 (Sub-No. 1TA), filed January 29, 1976. Aplicant: THE DANIEL COMPANY OF SPRINGFIELD, 419 E. Kearney, Springfield, Mo. 65803. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* distributed and manufactured by the R. T. French Co. and (2) *materials, supplies and equipment* used in the manufacturing, packaging, distribution and sales of The R. T. French Co., (1) be-

tween Springfield, Mo., and Pico Rivera, Calif. and (2) between Springfield, Mo., and Buena Park, Calif., under contract with The R. T. French Company, for 180 days. Supporting shipper: The R. T. French Company, One Mustard Street, Rochester, N.Y. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 139658 (Sub-No. 7TA), filed February 5, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, 5299 Roswell Road, NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks, from points in Jefferson, Blount, Etowah, Saint Clair, Cherokee and DeKalb Counties, Ala., on the one hand, and, on the other, points in Georgia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Birmingham Coal & Coke Company, Inc., 4363 1st Ave. North, Birmingham, Ala. 35223. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Rm. 546, Atlanta, Ga. 30309.

No. MC 140824 (Sub-No. 1TA), filed February 2, 1976. Applicant: METRO CAB, INC., 11 E. Kings Highway, Audubon, N.J. 08106. Applicant's representative: Sean R. Rattle, 618 White Horse Pike, Audubon, N.J. 08106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whole blood (human) CPD, red blood cells (human) CPD, platelet concentrate (human), cryoprecipitated antihemophilic factor (human), fresh frozen plasma (human)*; in vehicles with a maximum seating capacity of 11 passengers, and in containers weighing 50 pounds or less, between Philadelphia, Pa., on the one hand, and, on the other, Camden, Burling and Gloucester Counties, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Underwood-Memorial Hospital, N. Broad St. & W. Red Bank Ave., Woodbury, N.J. 08096. (2) Garden State Community Hospital, Brick Road & Rt. 73, Marlton, N.J. 08053. (3) West Jersey Hospital, Eastern Division, Evesham Road, Voorhees, N.J. 08043. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 141678 (Sub-No. 1TA), filed January 30, 1976. Applicant: KANE LIMOUSINE, INC., 550 Winfield Drive, No. C–6, Bowling Green, Ky. 42101. Applicant's representative: Mr. John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than thirteen (13) passengers in any one vehicle, not including the driver thereof, between Bowling Green, Ky., on the one hand, and, on the other, Metropolitan Airport (Berry Field), at Nashville, Tenn., and Rivergate Mall Shipping Center, at or near Madison, Tenn., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 11 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 141679 (Sub-No. 1TA), filed January 15, 1976. Applicant: PAUL McSHEFFRY doing business as McSHEFFRY TRUCKING, Route No. 4, Snow Hill Road, Salisbury, Md. 21801. Applicant's representative: Margaret A. Toadvine, 506 S. Division Street, Salisbury, Md. 21801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, including fresh and frozen beef and pork, processed meat and *meat food products*, from Wye Mills, Md., to Kent and Sussex Counties, Del.; and Accomac and North Hampton Counties, Va., with return of any rejected or refused shipment to consignor, under continuing contract with Shen-Valley Meat Packers, Inc. Drawer E., Timberville, Va. 22853 for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shen-Valley Meat Packers, Inc., Drawer E, Timberville, Va. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room B–317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141706 (Sub-No. 1TA), filed January 19, 1976. Applicant: FRED M. DUNN, doing business as DUNN TRUCKING CO., 2847 Adams, Camden, Ark. 71701. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rock, dirt, clay, sand, gravel*, in bulk, in dump-bed trailers, from points in Columbia, Hempstead, Pike, Nevada, Jefferson, Calhoun, Ouachita, Union, Bradley and Dallas Counties Ark., to points in Sabine, Natchitoches, Grant, LaSalle, Catahoula, DeSoto, Red River, Caldwell, Franklin, Tensas, Concordia, Madison, Richland, East Carroll, Ouachita, Union, Lincoln, Jackson, Claiborne, Bienville, Webster, Bossier, West Carroll, Morehouse, Vernon, Rapides, Avoyeles, Winn, Caddo Parishes La., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Madden Contracting Company, Inc., P.O. Box 826, Minden, La. 71055 and Asphalt Materials, Inc., F St. Selman Field Industrial Park, Monroe, La. 71201. Send protests to: District Supervisor William H. Land, Jr. 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141707 (Sub-No. 1TA), filed February 3, 1976. Applicant: JOE A. STEVENS TRUCKING, INC., 454 North College Street, Harrodsburg, Ky. 40330. Applicant's representative: C. Edward Glasscock, 1600 Citizens Plaza, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products*, between Louisville, Ky. and points in West Virginia, for 90 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. W. Dolt, Jr., Plant Manager, Featherlite Pre-Cast Corporation, 4104 Bishop Lane, Louisville, Ky. 40218. Send protests to: R. W. Schneither, District Supervisor, Interstate Commerce Commission, 216 Bakhus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 141715 (Sub-No. 2TA), filed February 2, 1976. Applicant: SANCO TRUCKING, INC., P.O. Box 2561, Clarksburg, W. Va. 26301. Applicant's representative: William P. Jackson, Jr. 3426 N. Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the operation of a glass manufacturing plant, from points in Virginia, West Virginia, Ohio, Pennsylvania, and New York, to points in Taylor and Harrison Counties, W. Va. for 180 days. Supporting shipper: Fourco Glass Co., 427 West Pike Street, Clarksburg, W. Va. 26301, Edward E. Dutchess, Treasurer. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 141724 (Sub-No. 1TA), filed January 20, 1976. Applicant: METZ BEVERAGE COMPANY, INC., 300 North Custer, Sheridan, Wyo. 82801. Applicant's representative: Richard M. Davis, Jr., P.O. Box 728, Sheridan, Wyo. 82801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packing houses, houses* as described in Sections (a) and (c) of Appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Ranchester, Wyo., to Denver, Colo., under contract with Ranchester Packing Company, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating autority. Supporting shipper: Ranchester Packing Company, Box 195, Ranchester, Wyo. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, 100 East B. Street, Casper, Wyo. 82601.

No. MC 141738 TA, filed January 26, 1976. Applicant: PORTER TRUCK LINES, INC., P.O. Box 313, McMinnville, Oreg. 97128. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and scrap metal*, between McMinnville, Oreg., on the one hand, and on the other Stockton and Los Angeles, Calif., under contract with Cascade Steel Rolling Mills, Inc., for 180 days. Applicant has filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Steel Rolling Mills, Inc., 3200 North Highway 99W, McMinnville, Oreg. 97128. Send protests to District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97207.

No. MC 141745TA, filed January 23, 1976. Applicant: DIE CASTING IMPROVEMENT AND DEVELOPMENT CORP., 1304 South Varney, Burbank, Calif. 91502. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic systems fluid*, other than petroleum; *synthetic lubricating oil*, other than petroleum; *lubricating oil*, petroleum based; *chemicals, washing compound*, liquid and dry; *plasticizer resin, synthetic plastic; chemical*, (ethyl silicate), from Gallipolis Ferry, W. Va., and Weston, Mich., to Tacoma, Wash., and Richmond and Compton, Calif., restricted against the transportation of commodities in bulk, under a continuing contract or contracts with Stauffer Chemical Company, Westport, Conn., for 180 days. Supporting shipper: Stauffer Chemical Company, Westport, Conn., 06880. SEND PROTESTS TO: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141747TA, filed January 27, 1976. Applicant: DONALD ENGLE and JAMES ENGLE, doing business as ENGLE BROS. FARMS, Route 1, Rector, Ark. 72461. Applicant's representative: Donald Engle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural lime* in dump type vehicle, from Piedmont, Mo. to Clay and Greene County, Ark.; and (2) *Fertilizer* (a) from Yazoo City, Miss., to Clay and Greene County, Ark., (b) from Caruthersville, Mo., to Clay and Greene County, Ark., and (c) from Memphis, Tenn., to Clay and Greene County, Ark., for 180 days. Supporting shipper: Carryville Co-op, 132 N. Front, Piggott, Ark. 72461, and Holly Island Gin & Elev. Co., P.O. Box 197, Rector, Ark. 72461. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141757 (Sub-No. 1TA), filed February 6, 1976. Applicant: THOMAS J. GREINEDER doing business as KEYSTONE MOTOR FREIGHT, P.O. Box 934, Lancaster, Pa. 17600. Applicant's representative: Donald F. Owens, 2504 South 8th Street, Manitowoc, Wis. 54220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookies and materials, supplies*, and *ingredients*, used in the production of baker products, in van trailers and refrigerated trailers, (excluding commodities in bulk, tank vehicles and on flat bed trailers), between the bakery of Penn Dutch Cookie Corp., at Fleetwood, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Tennessee, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Rhode Island, and Virginia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penn Dutch Cookie Corp., 19 W. Poplar Street, Fleetwood, Pa. 19522. Send protests to: Robert P. Amerine, Dist. Supervisor Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 141760TA, filed February 3, 1976. Applicant: SHUTTLEJACK, INCORPORATED, P.O. Box 228, Tesuque, N. Mex. 87574. Applicant's representative: Daniel F. Rogers, 1820 Paseo de La Conquistadora, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Packages, parcels, baggage, and mail* having had prior or subsequent transportation by air; weighing 70 pounds or less, and measuring 100 inches in length or girth combined (except items of unusual value, all classes of explosives, and commodities requiring special equipment or handling); and providing a terminal to terminal service between applicant's facilities at the Albuquerque International Airport and Tesuque, N. Mex. Serving the applicants facilities at the intermediate points of Albuquerque and Santa Fe, N. Mex.; traversing U.S. Highway 85 (I–25), between Albuquerque and Santa Fe, N. Mex., and U.S. Highway 285, between Santa Fe and Tesuque, N. Mex. (A highway distance of less than 100 miles), for 180 days. Supporting shipper(s): There are approximately 9 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–5377 Filed 2–24–76;8:45 am]

[Notice 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 20, 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 67583 (Sub-No. 16TA), filed January 29, 1976. Applicant: KANE TRANSFER COMPANY, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: James W. Lawson, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, plastic, one gallon or less in capacity, in boxes, and *corrugated fibreboard boxes*, knocked down flat, when shipped with plastic containers, in trailers not exceeding 35 feet in length, from the plant site and warehouse facilities of Consupak, Inc. at Morristown, N.J., to plants and storage facilities of the Procter and Gamble Manufacturing Company at Baltimore, Md., under contract with The Procter and Gamble Manufacturing Company, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Procter & Gamble Manufacturing Company, P.O. Box 599, Cincinnati, Ohio. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room B–317, W. C. Herman, District Supervisor, Washington, D.C. 20423.

No. MC 100449 (Sub-No. 61TA), filed February 10, 1976. Applicant: MAL-

LINGER TRUCK LINES, INC., Route #4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and fittings, clay products and joint material*, from Lehigh, Iowa, to points in Wyoming, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. S. Dickey Manufacturing Company, P.O. Box 6, Pittsburg, Kans. 66762. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 106398 (Sub-No. 736TA), filed February 10, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable cement mixing equipment*, restricted to transportation in towaway service, for Allentown, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Allentown Pneumatic Gun Company, P.O. Box 185, Allentown, Pa. 18105. Send protests to: William J. Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Bldg., 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 107002 (Sub-No. 479TA), filed February 9, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbia, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, (except points in Carter, Greene, Hamblen, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, Tenn.), and Texas (except dry chemicals to points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty and Brizoria Counties, Tex.), for 180 days. Supporting shipper: Reichhold Chemicals, Inc., Tuscaloosa, Ala. 35401. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss 39201.

No. MC 109397 (Sub-No. 325TA), filed February 9, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, On Interstate Business Rt. 44, Joplin, Mo. 64801. Applicant's representative Max G. Morgan, Suite 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs* which are designated sensitive by the United States Government, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas, City, Mo. 64106.

No. MC 112123 (Sub-No. 11TA), (Correction), filed January 19, 1976. Published in the FEDERAL REGISTER issue of February 4, 1976, republished as corrected this issue. Applicant: BEST-WAY TRANSPORTATION, 1624 South Central Avenue, Phoenix, Ariz. 85004. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Benson and Sierra Vista, Ariz.: From Benson over Arizona State Highway 90 to Sierra Vista, and return over the same route; (2) between Sierra Vista and Bisbee, Ariz.: From Sierra Vista over Arizona State Highway 90 to Bisbee, and return over the same route; and (3) between Sierra Vista and junction of Arizona State Highway 82 and U.S. Highway 80: From Sierra Vista over Arizona State Highway 90 to its junction with Arizona State Highway 82 at a point approximately 4 miles north of Huachuca City. Thence over Arizona State Highway 82 to its junction with U.S. Highway 80 at a point approximately 4 miles north of Tombstone and return over the same route, serving all intermediate points in connection with (1), (2) and (3) above, for 180 days. Supporting shippers: Copies of the 14 supporting statements may be viewed at the offices of the Interstate Commerce Commission in Washington, D.C. or the District Field Office listed below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

NOTE.—The purpose of this republication is to indicate the requested tacking authority in MC 112123 Sub-No. 7 which was previously omitted.

No. MC 117119 (Sub-No. 564 TA), filed February 4, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Pet, Incorporated at Frankfort, Mich., to points in Oregon and Washingotn, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pet Incorporated, Frozen Food Division, Pet Plaza, 400 South Fourth Street, St. Louis, Mo. 63166. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 115TA), filed February 9, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen potato products, frozen juices, frozen pizzas, pies and bakery goods*, from Laramie, Wyo., to Kansas City, and Springfield, Mo., and Wichita, Kans., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Packers Cold Storage, Inc., 310 East Walnut Street, Fullerton, Calif. 92632. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124669 (Sub-No. 38TA), filed February 9, 1976. Applicant: TRANSPORT INC., of SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, from Sioux Falls, S. Dak. to Eagle River, LaCrosse, Rhinelander and Wausau, Wis., for 180 days. Supporting shipper: D. A. Gillies, Regional Traffic Manager, Mobil Oil Corporation, 8350 North Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak 57501.

No. MC 133966 (Sub-No. 44TA), filed February 6, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film*, from South Deerfield, Mass., to Shreveport, La., for 150 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Deerfield Plastics, Co., Inc. P.O. Box 97, South Deerfield, Mass. 01373. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134453 (Sub-No. 8TA), filed February 10, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Standards, outdoor*

lighting, aluminum, from East Stroudsburg, Pa. to Fort Lauderdale, Fla., under a continuing contract or contracts with Union Metal Manufacturing Co., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Metal Manufacturing Co., East Stroudsburg, Pa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136220 (Sub-No. 28TA), filed February 10, 1976. Applicant: ROY SULLIVAN, an individual, doing business as SULLIVAN TRUCKING CO., 1708 N. 3rd, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in dump vehicles) (1) from the minesite of Triark, Inc., in Johnson and Franklin Counties, Ark., to the plant site of Hood Charcoal Co., at Pachuta, Miss., and to points in Arkansas for further movement by rail or water; (2) from the minesites of Fuel Dynamics, Inc., in Rogers, Craig and Nowata Counties, Okla. to the plant site of Empire District Electric Company of Asbury, Mo., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Triark, Inc., P.O. Box 1052, Little Rock, Ark. 72203. Send protests to: William J. Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 136803 (Sub-No. 6TA), filed February 9, 1976. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 2815 Outer Dr., Sioux City, Iowa 51106. Applicant's representative: Bradford E. Kistler, P.O. Box 2766, Sioux City, Iowa 51106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal in bulk*, from the plantsite of Ralston Purina located at or near Iowa Falls, Iowa to Atkinson, and Lena, Ill., and Fond du Lac, Wis., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard T. Gauck, Traffic Manager, Ralston Purina, P.O. Box 1020, Iowa Falls, Iowa 50126. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136989 (Sub-No. 13TA), filed February 10, 1976. Applicant: R. F. BOX, INC., 500 Kinley Ave., NE., Albuquerque, N. Mex. 87104. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plantsites of Amtico Flooring Division, American Biltrite, Inc., at or near Norwood, Mass., and Trenton, N.J., to points in New Mexico, Arizona, Colorado, California, Nevada, and El Paso County, Tex., under contract with Amtico Flooring Division, American Biltrite, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Biltrite, Inc., 575 Technology Square, Cambridge, Mass., c/o Edwin J. Wright, Jr., Corporate Traffic Manager. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW., Albuquerque, N. Mex. 87101.

No. MC 140370 (Sub-No. 5TA), filed February 10, 1976. Applicant: V. G. H. TRUCKING, INC., Highway 2 East, East Grand Forks, Minn. 56721. Applicant's representative: Craig R. Wylie (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen french fried potatoes*, from Crookston, Minn., the Minneapolis-St. Paul, Minn., commercial zone, and Fairmont, Minn., to points in Georgia, Florida and Tennessee, under contract with J. R. Simplot Company, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. R. Simplot Company, South Main Street, Crookston, Minn. 56716. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

MC No. 141465 (Sub-No. 1TA), filed February 3, 1976. Applicant: GENEVA LAKE AREA JOINT TRANSIT COMMISSION, P.O. Box 740, 623 Main St., Lake Geneva, Wis. 53147. Applicant's representative: Gunnar A. Bergersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: Regular routes: *Passengers and their baggage* in same vehicles with passengers, between Delavan, Wis., and Richmond, Ill., serving all intermediate points in Wisconsin: From Delavan, Wis., over Highway 50 to junction Highway 67, thence over Highway 67 to Williams Bay, Wis., thence over Geneva Street to junction of Highway 50, thence over Highway 50 to Lake Geneva, Wis., thence over Highway H to junction of U.S. Highway 12 to Richmond, Ill. (Also, serving off route point to Fontana, Wis., on Saturdays, Sundays and Holidays only), Irregular Routes: *Passengers and their baggage* in same vehicle with passengers, between Walworth County, Wis., and extending to points in Illinois, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geneva Lake Area Joint Transit Commission, 623 Main St., Box 740, Lake Geneva, Wis. 53147 (Gunnar A. Bergersen). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 130 West Wells Street—Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5378 Filed 2-24-76;8:45 am]

[Notice 187]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 25, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 16, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76166. By order of February 11, 1976, the Motor Carrier Board approved the transfer to Robert H. Kase, doing business as R. H. Kase Truck Service, Danville, Pennsylvania, of Certificate No. MC-89050 issued May 31, 1940, to L. Zeisloft, Bloomsburg, Pennsylvania, authorizing the transportation of manufactured fertilizer, farm feed and grain over regular routes from Baltimore, Maryland, to Bloomsburg Pennsylvania. Robert H. Kase, R.D. No. 4, Danville, Pennsylvania 17821, representative for applicants.

No. MC-FC-76194. By order entered February 9, 1976, the Motor Carrier Board approved the transfer to Melvin Terpstra, doing business as Mel's Motor Service, Palos Heights, Ill., of the operating rights set forth in Permits Nos. MC-127210 and MC-127210 (Sub-No. 1), issued by the Commission March 18, 1966, and January 19, 1970, respectively, to T and R Cartage Co., a corporation, Chicago, Ill., authorizing the transportation of kitchen cabinets and home appliances and crated furniture, from Chicago, Ill., to specified counties in Illinois and Indiana, under continuing contracts with Home Building Supply Corporation and Heady and Connerx, Inc. Earl B. Lichten, 10 South La Salle St., Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-76220. By order of February 9, 1976, the Motor Carrier Board ap-

proved the transfer to Buckeye Charter Co., a corporation, Toledo, Ohio, of the operating rights in Certificate No. MC–72806 (Sub-No. 4) issued June 27, 1968, to Red-Yellow Cab Co., a Corporation, Toledo, Ohio, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes between specified points in Ohio, serving all intermediate points. Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–76295. By order entered February 10, 1976, the Motor Carrier Board approved the control by Mary A. Kamm, Cambridge, Ohio, of Mary Kamm Tours, Inc. (formerly Ross Tours, Inc.), Cambridge, Ohio, which hold License No. MC–12837 (Sub-No. 1), issued November 30, 1970, authorizing operations as a broker at Cambridge, Ohio, in connection with the transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in special and charter operations, in round trip tours, beginning and ending at points in Guernsey, Cochocton, Tuscarawas, Noble, Muskingum, and Harrison Counties, Ohio, and extending to points in the United States including Alaska, but excluding Hawaii. Sheldon A. Taft, 52 East Gay St., Columbus, Ohio 53215, attorney for applicants.

No. MC–FC–76321. By order of February 10, 1976, the Motor Carrier Board approved the transfer to Jay Brian Transport Corp., Peabody, Massachusetts, of Certificate of Registration No. MC–99740 (Sub-No. 1), issued January 28, 1964, to D. L. Gennaro Motor Trans. Inc., Somerville, Massachusetts, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 5673 dated April 6, 1956, issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108, attorney for Transferee; James Mahoney, 84 State St., Boston, Mass. 02109, attorney for Transferor.

No. MC–FC–76344. By order entered February 12, 1976, the Motor Carrier Board approved the transfer to Smart Transportation Company, a corporation, of the operating rights set forth in Permits Nos. MC–135435 and MC–135435 (Sub-No. 1), issued July 6, 1973, and January 20, 1975, to Dale Smart, doing business as Dale Smart Trucking, Beaumont, Tex., authorizing the transportation of fabricated tank sections, and forgings, from specified points in Texas, to points in the United States. Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–5376 Filed 2–24–76;8:45 am]

[Notice 113]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
D.b.a. The Waggoners, MC–26396 Sub-97TA	MC–26396 Sub–115	Feb. 6, 1976
Kroblin Refrigerated Xpress, Inc., MC–30844 Sub-524	MC–30844 Sub–523	Feb. 9, 1976
P. B. Mutrie Motor Transportation, Inc., MC–31600 Sub-670TA	MC–31600	Jan. 27, 1976
Fogleman Truck Line, Inc., MC–41116 Sub–50TA	MC–41116 Sub–51	Feb. 12, 1976
New Breed Moving Corp., MC–44538 Sub–1TA	MC–44538 Sub–2	Jan. 26, 1976
Ace Lines, Inc., MC–61231 Sub–75TA	MC–61231 Sub–74	Feb. 4, 1976
Carleton G. Whitaker, Inc., MC–88594 Sub–26TA	MC–88594 Sub–27	Feb. 9, 1976
D.b.a. Hudson Bus Lines, MC–96007 Sub–30TA	MC–96007 Sub–29	Feb. 12, 1976
Frontier Delivery, Inc., MC–104675 Sub–36TA	MC–104675 Sub–37	Feb. 9, 1976
National Trailer Convoy, Inc., MC–106398 Sub–727TA	MC–106398 Sub–712	Feb. 10, 1976
Pre-Fab Transit Co., MC–107295 Sub–712TA	MC–107295 Sub–728	Feb. 6, 1976
W. S. Hatch Co., MC–109689 Sub–272TA	MC–109689 Sub–279	Feb. 13, 1976
Wheeling Pipe Line, Inc., MC–111170 Sub–218TA	MC–111170 Sub–219	Feb. 12, 1976
Arlington J. Williams, Inc., MC–113024 Sub–132TA	MC–113024 Sub–138	Feb. 10, 1976
Dahlen Transport, Inc., MC–113410 Sub–85TA	MC–113410 Sub–84	Feb. 17, 1976
O'Boyle Tank Lines, Inc., MC–113828 Sub–210TA	MC–113828 Sub–211	Feb. 5, 1976
Erickson Transport Corp., MC–113908 Sub–324TA	MC–113908 Sub–328	Feb. 12, 1976
Caudell Transport, Inc., MC–114604 Sub–26TA	MC–114604 Sub–25	Feb. 4, 1976
Sugar Transport, Inc., MC–115924 Sub–27TA	MC–115924 Sub–29	Feb. 10, 1976
Midwest Harvestone Transport, Inc., MC–117086 Sub–28TA	MC–117068 Sub–27	Feb. 6, 1976
Midwest Specialized Transportation, Inc., MC–117068 Sub–35TA	MC–117068 Sub–36	Feb. 11, 1976
Motor Service Co., Inc., MC–117565 Sub–92TA	MC–117565 Sub–91	Feb. 12, 1976
D & T Trucking Co., Inc., MC–117644 Sub–33TA	MC–117644 Sub–34	Feb. 10, 1976
National Refrigerated Transport, Inc., MC–118159 Sub–157TA	MC–118159 Sub–158	Feb. 6, 1976
Jim TTiona, Jr., MC–118535 Sub–59TA	MC–118535 Sub–62	Feb. 10, 1976
Eagle Trucking Co., MC–119774 Sub–81TA	MC–119774 Sub–79	Feb. 6, 1976
Chicago Southern Transportation Co., MC–119792 Sub–40TA	MC–119792 Sub–36	Do.
Pitt County Transportation Company, Inc., MC–121107 Sub–14TA	MC–121107 Sub–12	Feb. 10, 1976
D.b.a. United Newspaper Delivery Service, MC–123778 Sub–25TA	MC–123778 Sub–26	Feb. 11, 1976
John F. Oliver, MC–124511 Sub–23TA	MC–124511 Sub–24	Do.
Patton's Inc., MC–129516 Sub–29TA	MC–129516 Sub–30	Do.
Caddo Express, Inc., MC–134308 Sub–10TA	MC–134308 Sub–11	Do.
Dallas Carriers Corp., MC–135691 Sub–9TA	MC–135691 Sub–5	Jan. 5, 1976
KSS Transportation Corp., MC–135873 Sub–2TA	MC–135873 Sub–1	Feb. 12, 1976
Olen Burrage Trucking, Inc., MC–136315 Sub–1TA	MC–136315	Feb. 13.1976
BTA Trucking Co., Inc., MC–136882 Sub–5TA	MC–136882 Sub–6	Feb. 11, 1976
D.b.a. Werner Enterprises, MC–138328 Sub–12TA	MC–138328 Sub–13	Feb. 13, 1976
D.b.a. Southwest Mobile Homes, MC–138378 Sub–1TA	MC–138378	Feb. 5, 1976
ROC Transport, Ltd., MC–139554TA	MC–139554 Sub–1	Feb. 11, 1976
Harold H. Danekas, MC–140900TA	MC–140900 Sub–1	Do.
Kessel Trucking Co., Inc., MC–140290 Sub–1TA	MC–140290 Sub–2	Feb. 13, 1976
D.b.a. Pals Cartage MC–140628 Sub–1TA	MC–140628 Sub–2	Do.
Great Northern Truck Lines, Inc., MC–140986TA	MC–140986 Sub–1	Feb. 11, 1976
The City Contract Bus Service, Inc., MC–141063TA	MC–141063 Sub–1	Do.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–5371 Filed 2–24–76; 8:45 am]

federal register

WEDNESDAY, FEBRUARY 25, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

ANTIBIOTIC, NITROFORAN, AND SULFONAMIDE DRUGS IN ANIMAL FEEDS

Final Regulations

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0171]

PART 121—FOOD ADDITIVES

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Antibiotic, Nitrofuran, and Sulfonamide Drugs in the Feed of Animals

The Food and Drug Administration issues a list of manufacturers of medicated premixes and their products in compliance with the provisions of § 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* (21 CFR 558.15), and deletes from the regulations those manufacturers and products that are subject to, but have not complied with, the requirements for continued marketing set forth in § 558.15. This order shall be effective March 26, 1976.

BACKGROUND

In the FEDERAL REGISTER of February 1, 1972 (37 FR 2444) and April 20, 1973 (38 FR 9811), the Commissioner of Food and Drugs proposed and promulgated, respectively, § 558.15. The Commissioner announced in § 558.15 that he would propose to revoke currently approved subtherapeutic uses in animal feed of antibiotic, nitrofuran, and sulfonamide drugs, whether granted by approval of new animal drug applications (NADA's), master files, and/or antibiotic or food additive regulations, unless data were submitted which resolve conclusively certain issues concerning their safety in man and in animals and their effectiveness. The announced criteria for the resolution of these issues were based on the guidelines included in the report of the FDA Task Force on the Use of Antibiotics in Animal Feeds and developed by the Bureau of Veterinary Medicine. All persons or firms previously marketing drug products identical, related, or similar to those for which approvals were outstanding were required to submit new animal drug applications if marketing was to continue in the interim.

Pursuant to section 512(l) of the Federal Food, Drug, and Cosmetic Act, the Commissioner particularized in § 558.15 criteria that must be met to resolve the issues concerning the safety and effectiveness of these drugs. Section 558.15 (b) (1) required any person interested in developing data which would support retaining approval for subtherapeutic uses of antibiotic, nitrofuran, and sulfonamide drugs to submit to the Commissioner records and reports of completed, ongoing, or planned studies, including protocols, on a prescribed schedule: For the tetracyclines, streptomycin, dihydrostreptomycin, penicillin, and the sulfonamides, by July 19, 1973; for all other antibiotics, by October 17, 1973; and for nitrofuran drugs, by March 4, 1974. Furthermore, § 558.15(c) gave notice that the failure of the sponsor of any drug to comply with any of the provisions included in paragraph (b) of that section or interim results indicating a health hazard would be considered as grounds for proceeding immediately to withdraw approval of the drug for use in animal feeds under section 512(l) of the act (in the case of the failure to submit required records and reports) or section 512(e) of the act (where new information shows that the drug is not shown to be safe).

A notice of proposed rule making was published in the FEDERAL REGISTER of August 6, 1974 (39 FR 28393) to amend § 558.15 by revising paragraph (a) and by adding paragraph (g) (1) and (2). The proposed revision of paragraph (a) was in error. Because the language of the proposal was identical to that already appearing in the CFR, any treatment of the erroneous proposed revision to paragraph (a) has been omitted in this final regulation.

Paragraph (g) (1) was to list the antibacterial drug premixes manufactured by designated sponsors which are eligible for interim marketing based on their compliance with § 558.15(b) (1). Paragraph (g) (2) was to list the drug combinations permitted for inclusion in animal feed, when prepared from the antibacterial premixes listed in paragraph (g) (1), and the sponsors of these drug combinations. In addition, the Commissioner proposed to exempt from the requirements imposed by § 558.15 producers of certain intermediate premixes. The Commissioner concluded (39 FR 28393) that the producers of intermediate premixes need not at this time submit an NADA and the data required under § 558.15 for the interim marketing of any intermediate premix produced solely from a premix that is in compliance with this section, if the intermediate premix contains no drug ingredient whose use in or on animal feed requires an approved NADA pursuant to section 512(m) of the act and/or if the intermediate premix contains a drug for which a specific premix has been approved by regulation in Subpart B of 21 CFR Part 558.

In the same issue of the FEDERAL REGISTER (39 FR 28382), a notice was published proposing to amend 21 CFR Parts 121, 135e (recodified at Part 558 Subpart B), 135g (recodified at Part 556), and 144.26 (recodified at § 510.515) to revoke approvals for those antibacterial drugs intended for use in animal feed which are not in compliance with the requirements of § 558.15. Included in that notice was a proposal to revoke § 558.19 *Combination antibiotic drugs in animal feeds no longer sanctioned*, since the provisions of § 558.19 were otherwise encompassed by the proposed amendments. Certain uses of oxytetracycline and neomycin, alone or in combination with other drugs, which are not the subject of published regulations or for which commitments were not received and for which usages were not listed in the corresponding amendment to § 558.15 were also subject to the proposed revocation.

EFFECT OF THIS ORDER

This order identifies the drug firms and the antibacterial drugs intended for use in animal feeds which they sponsor that are currently in compliance with the provisions of § 558.15 and revokes from the regulations those subtherapeutic uses of antibiotic, sulfonamide, and nitrofuran drugs for which the required commitments, reports, and/or data required by § 558.15 were not filed.

One provision of § 558.15 required all holders of approvals of these new animal drugs and all persons or firms previously marketing identical, related or similar products to file records and reports of completed, ongoing, or planned studies, including protocols, to resolve conclusively the issues concerning their safety to man and animals. Paragraph (g) (1) of § 558.15, as set forth below, is an exclusive list of the antibacterial drug premixes which, because their sponsors have filed commitments to conduct studies that will conclusively resolve the issues concerning the safety of their subtherapeutic usages, are eligible for interim marketing.

Additionally, § 558.15(b) (3) mandated commitments to submit data to demonstrate the effectiveness of these antibacterial drugs for subtherapeutic usage under criteria established by the Bureau of Veterinary Medicine. The Commissioner called for this data to continue the evaluation of the effectiveness of combination animal drug products which was initiated with the promulgation of § 558.19. Changes in the new animal drug review process that began in June 1967 incorporated contemporary scientific criteria to measure the effectiveness of drugs marketed to promote increased rate of weight gain, and/or increased feed efficiency. The effectiveness of most combinations approved since that time has been evaluated using these contemporary scientific criteria. Section 558.15 requires no further determination of effectiveness for combinations determined to be effective under these criteria. The regulation, however, required sponsors of all previously approved subtherapeutic antibacterial combination drugs that had not been evaluated using these criteria to submit a commitment to generate necessary data for these products to be eligible for interim marketing until these data can be reviewed.

Paragraph (g) (2) of § 558.15, as set forth below, lists all drug combinations eligible for interim marketing and the manufacturers who are sponsoring the requisite effectiveness testing. Marketing is permitted only for these combinations and only when they are prepared from the antibacterial premixes listed in paragraph (g) (1). Most of the drugs already approved under these effectiveness criteria have been codified in Subpart B of 21 CFR Part 558; these drugs have been incorporated in paragraph (g) (2) by reference because of the large number of drugs affected and the length of the applicable regulations. The only other drug

combinations that are eligible for interim marketing have either been approved on the basis of the contemporary effectiveness criteria and not been published in Subpart B of 21 CFR Part 558 or have had commitments filed to generate the requisite effectiveness data; all these combinations are listed in paragraph (g)(2).

Commitments to generate data to demonstrate the effectiveness of the individual antibiotics listed in 21 CFR 121.-225 were not required by § 558.15. The National Academy of Sciences—National Research Council, Drug Efficacy Study, concluded, and the Commissioner concurred, that individual antibiotics listed in that section are effective for certain claims regarding increased rate of weight gain (35 FR 11070, 11531, 11646, 11705, 11952, 12490, 13156, and 13401). However, commitments to resolve conclusively the safety issues posed by these drugs were required. These antibiotics are safe and effective for use under contemporary standards, and commitments to conduct studies that will conclusively resolve the issues concerning their safety raised by § 558.15 have been filed. Therefore, these antibacterial drugs are eligible for interim marketing, and they have been listed in paragraph (g)(2) together with their sponsors.

The Commissioner is also amending 21 CFR 510.515 (formerly 21 CFR 144.26). This regulation lists those antibiotics intended for use alone or in combination with other drugs in animal feeds that are exempt from the certification requirements of section 512(n) of the act, and the Commissioner has revised this regulation to revoke any prior exemption from certification for which the commitments required by § 558.15 were not submitted.

Comments on the proposal were received from 15 firms engaged in the manufacture of drugs used in the production of medicated feeds. Comments were also received from an association of animal drug manufacturers and an association of animal feed manufacturers on behalf of their respective members. Several comments raised questions respecting the procedures being followed to revoke the unsponsored uses of these drugs; however, most of the comments from the drug and feed manufacturers were concerned with the proposed deletion from the regulations of specific antibiotic combination drugs.

The principal comments received and the Commissioner's conclusions regarding them are as follows:

1. A trade association requested that due consideration be given to comments of its member firms and requested that the August 6, 1974 announcement and the September 27, 1974 correction be republished as a single proposal if they contain a substantial number of errors.

The Commissioner concludes that this order need not be republished as a proposal. Each comment has been carefully evaluated to determine which drugs, if any, were incorrectly proposed for revocation from the regulations and which drugs and drug sponsors, if any, were improperly omitted from the appropriate lists in paragraph (g) (1) and (2) of § 558.15. In addition, all comments submitted pursuant to requirements imposed by § 558.15 have been reviewed to assure the accuracy of the regulations as set forth below. Provisions of the regulations that were erroneously deleted or omitted in the proposals have been restored.

2. Several comments stated that the regulations, as proposed, would prohibit the marketing of products which are covered by approved NADA's or which are "deemed approved" by the transitional provisions of the Animal Drug Amendments of 1968. The comments stated that approval of these drug products may not be withdrawn through publication of a proposed rule, but must be withdrawn in accordance with provisions of section 512(e) of the act including, as provided therein, giving notice of opportunity for hearing for the specific NADA's involved.

The Commissioner concludes that the procedure used to withdraw approval of these NADA's satisfies the requirements of the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act. As proposed in the FEDERAL REGISTER of February 1, 1972 (37 FR 2444) and promulgated in the FEDERAL REGISTER of April 20, 1973 (38 FR 9811), § 558.15(c) states that the failure of any sponsor of an NADA for the use at subtherapeutic levels of any antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals to comply with the requirements of the regulation will be considered grounds for immediately proceeding to withdraw approval of the NADA for failure to comply with section 512(1) of the act. Section 512(e)(2) of the act permits the Secretary, after due notice and opportunity for hearing to withdraw approval of the NADA for failure to comply with section 512(1) of the act. Thus compliance with § 558.15 is properly required as a condition for continued approval of an NADA.

The proposed deletion of regulations published in the FEDERAL REGISTER of August 6, 1974 (39 FR 28382) constituted specific public notice of the Commissioner's determination that the drugs listed therein (as subsequently amended) were not in compliance with § 558.15(b) and that such drugs were therefore subject to withdrawal of approval pursuant to § 558.15(c). Similarly, the companion notice of proposed rule making also published on August 6, 1974 (39 FR 28393) afforded public notice to all sponsors of those drugs for which commitments to conduct the required safety and/or effectiveness studies had been filed pursuant to § 558.15 that they were in compliance with the regulation.

This procedure of providing notice by FEDERAL REGISTER publication was used because many of the drugs involved were originally marketed pursuant to antibiotic and food additive regulations, and the agency had previously exempted these drugs from the antibiotic batch certification requirements and Form FD–1800 requirements. The Commissioner was therefore not able to identify all persons who had legally been marketing these drugs. The August 6, 1974 notice of proposed rule making, in combination with the proposed deletion of the regulations, afforded adequate notice to sponsors of antibacterial drugs not listed in paragraph (g) (1) and (2) of § 558.15 that they had failed to comply with § 558.15(b), and that such drugs were therefore subject to withdrawal of approval in accordance with § 558.15(c). Having failed to file responses demonstrating that their products are in compliance with the requirements of § 558.15 or that the regulation is, or should be, inapplicable, sponsors of drugs for which approvals are hereby withdrawn have not shown the necessity for a hearing at which the only issue could be whether those requirements have been met.

The Supreme Court has recognized that class regulation through rule making is legally permissible and, indeed, often preferable to case-by-case adjudication. See, e.g., *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 620–622 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 653 (1973); *Federal Power Commission* v. *Texaco*, 377 U.S. 33, 39–41 (1964); *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192, 202–205 (1956). In this instance, the Commissioner has particularized the statutory standards for continued approval of NADA's by promulgating § 558.15. No hearing need be afforded an applicant whose submissions, after proper notice, on their face fail to meet the requirements for NADA approval or to provide reasons why approval of its NADA should not be withdrawn.

The Commissioner concludes that all interested persons have been afforded ample opportunity to participate in the development of the requirements contained in § 558.15 and to comply with those requirements or offer reasonable explanation for failure to comply. Accordingly, all applicable legal standards have been met and approval of the NADA's involved may properly be withdrawn by regulation.

3. One comment suggested that each distributor for whom a distributor's supplemental NADA has been filed by the holder of the approval should be listed as a sponsor of the drug in paragraph (g) (1) or (2) if the holder of the approval is in compliance with the requirements of § 558.15. This comment contended that the failure to list every approved distributor would cause confusion and would place distributors at a competitive disadvantage because products that do not carry the name of a listed sponsor will inevitably suffer in the marketplace.

The Commissioner does not agree with this suggestion. Section 512(i) of the act provides for the publication in the FEDERAL REGISTER of the name and address of the applicant (i.e., the sponsor) of an approved NADA. A distributor (unless he is also the sponsor of the NADA) is not an "applicant" within the meaning of section 512(i) but simply a person who distributes under his own label a product manufactured and labeled for him by one who is an applicant. Thus, there is no legal requirement that the

names of distributors be published and it has never been Agency practice to do so. Listing distributors would impose an unwarranted burden on the Agency because of the large number of distributors and their propensity to change suppliers. Moreover, where a distributor wishes to do so, there is no bar to his listing on a drug label the names of both the manufacturer and the distributor of the product provided it is done in such a manner as to reveal clearly the connection (i.e., as manufacturer or distributor) each person or firm has with the product. Therefore, the Commissioner concludes that distributors should not be listed in § 558.15.

4. Four comments opposed deletion from the regulations of a limited number of drug products containing antibacterials in therapeutic concentrations which do not have a 14-day limit on their use. The comments stated that § 558.15 implements the recommendations of the FDA Task Force on the Use of Antibiotics in Animal Feeds, which directed its attention to the continuous use of subtherapeutic levels of antibacterial drugs in animal feeds, and the marketers were not given proper notice to comply with the requirements established by that regulation.

The Commissioner advises that the Task Force was concerned with the health hazard associated with the subtherapeutic use of antibacterial drugs in animal feeds. After the promulgation of § 558.15, a determination was made that the use of any antibacterial drug continuously in feed for longer than 14 days should be considered a subtherapeutic usage, and the Commissioner concluded that sponsors of antibacterials intended for such use must meet the requirements established in the regulation regardless of the concentration of the antibacterial agents in the drug products. This policy was made known to a number of drug sponsors as questions arose on individual products, but the requirement was not included in either the proposed or final regulation. The Commissioner concludes that sponsors of antibacterial drug products intended for use in animal feeds for treatment of disease for more than 14 days were not provided adequate notice that the requirements established by § 558.15 were applicable to them. Therefore, the proposed deletion of these antibacterial products from the regulations is vacated.

This decision does not undermine the impact of the regulation. The use of antibacterial drugs in animal feeds ordinarily is not the preferred route of administration when treating an animal disease. Animals manifesting clinical symptoms of disease in most cases consume abnormally small amounts of feed. Therefore, the successful treatment of the disease is often hindered by difficulty in maintaining adequate drug exposure. This fact, together with the cost involved in feeding therapeutic levels of antibacterial drugs for greater than 14 days, leads the Commissioner to conclude that use of these drug products at therapeutic levels in feeds constitutes a very small segment of the antibacterial drug market.

Finalization of the actions concerning the feed-use products evaluated by the National Academy of Sciences—National Research Council, Drug Efficacy Study, will deal with each of these products. Where appropriate, claims for treatment of disease will be limited to prescribed durations. Furthermore, should the studies of the subtherapeutic uses of these antibacterial agents being conducted pursuant to § 558.15 generate new evidence that undermines his previous conclusions as to the safety of these antibacterials, the Commissioner will propose to withdraw their marketing approvals.

5. Questions have arisen concerning the marketing status of products that combine diethylstilbestrol (DES) with a subtherapeutic antibacterial. Section 558.15 requires all persons marketing subtherapeutic antibacterials for approved uses to file commitments to conduct studies that will conclusively resolve the issues of the safety of the use of the antibacterial ingredients and the effectiveness of the combination products on the basis of contemporary scientific testing criteria. However, because the Food and Drug Administration took regulatory action against DES before § 558.15 was promulgated, the impact of this regulation on the DES-antibacterial combinations has never been clearly enunciated.

Between the notice of proposed rule making to require safety and effectiveness data for subtherapeutic uses of antibiotics on February 1, 1972 (37 FR 2444), and the publication of the final order on April 20, 1973 (38 FR 9811), the Food and Drug Administration withdrew approval of all NADA's for DES liquid and drug premixes. Presumably because all approvals were withdrawn, no drug sponsors filed commitments to conduct the required studies for the DES-antibacterial drugs for subtherapeutic use. On January 24, 1974, the United States Court of Appeals for the District of Columbia Circuit held that the Agency's notice to holders of DES NADA's was inadequate as a basis for withdrawing their approval without a hearing, and reinstated both the approval of the NADA's and the accompanying regulations. *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, 495 F. 2d 975 (D.C. Cir. 1974). Formal confirmation of reinstatement of the regulations was published in the FEDERAL REGISTER of February 27, 1975 (40 FR 8329).

In the FEDERAL REGISTER of August 6, 1974 (39 FR 28382 and 28393) and September 27, 1974 (39 FR 34682), the Commissioner issued a proposal to list all drugs and sponsors which were in compliance with § 558.15 and to revoke approval of all drugs not in compliance. No holders of approvals for DES combinations have ever filed either commitments to conduct the required studies, or comments objecting to omission of these combinations from the proposed list of sponsored combinations eligible for marketing and from Part 121 (21 CFR Part 121).

Although the Food and Drug Administration might therefore be legally justified in taking immediate action against these combination products, the Commissioner acknowledges that the Agency's February 1975 reinstatement of the DES regulations pursuant to the Court of Appeals' order may have misled the sponsors as to the status of these products. The Commissioner has reviewed the situation concerning these products and concludes that immediate final action against them is inappropriate at this time. At the same time, they remain subject to the requirements of § 558.15 of the regulations and section 512(1) of the act. The Commissioner has therefore determined that § 558.15 should be modified to clarify the status of DES-antibiotic combination products as follows:

In accordance with § 558.15, all marketed DES-subtherapeutic antibacterial combinations must contain antibacterials for which commitments to conduct the necessary safety studies have been filed and which are listed in paragraph (g)(1) of that section. Moreover, after reviewing the information available about the DES-subtherapeutic antibacterial combinations, the Commissioner has determined that no approvals for these combinations are supported by efficacy data that meet contemporary scientific criteria. For this reason, all sponsors of previously approved DES-subtherapeutic antibacterial combinations must file commitments to conduct studies satisfying these criteria to demonstrate the effectiveness of their products. Such commitments must be filed by March 26, 1976, which is more than 1 year after formal reinstatement of the DES regulations, the latest date on which makers of the DES combinations could plausibly believe that § 558.15 was inapplicable to their products. Any conscientious sponsor, therefore, will have sufficient opportunity to comply with the regulation. Because the sponsors should have filed commitments and begun studies immediately after the January 24, 1974 decision of the Court of Appeals in *Hess & Clark, supra*, and because the necessary affectiveness studies require less time than the safety studies, data satisfying contemporary efficacy criteria must be submitted by March 26, 1977. All other provisions of § 558.15 are also applicable to these drugs. Only persons holding approvals for these combinations may market them in the interim; study progress reports must be filed every January 1 and July 1 until completion; and all provisions of § 558.15(c) concerning failure to submit required records and reports apply. Additionally, the extraordinary fact situation concerning the drugs requires further assurance of immediate compliance with the regulation as instituted. Therefore, the first progress reports demonstrating initiation of the studies must be filed by April 26, 1976.

DES subtherapeutic-antibacterial combinations fell within the scope of the Agency's original notice of proposed

rule making on this matter, and sponsors of such products have had ample opportunity to demonstrate that § 558.15 was inapplicable or should be waived. No comments were filed, and these combinations may be regulated by § 558.15 as promulgated. Manufacturers of the combinations containing DES have already enjoyed an economic advantage over similarly situated sponsors of other antibacterial combinations. The Commissioner therefore concludes that the requirements herein set forth may be promulgated as a final order.

In the FEDERAL REGISTER of January 12, 1976 (41 FR 1804), the Food and Drug Administration issued a Notice of Opportunity for Hearing proposing to withdraw approval of all outstanding NADA's for the use of DES in animals used for human food, on the grounds that residues in animal tissue produced by the use of such products have not been shown to be safe and that the Delaney anticancer clause is applicable because no adequate methods exist that are capable of detecting and measuring residues of DES at levels above any that have been shown to be safe. The notice afforded holders of NADA's for DES an opportunity to request a hearing on the proposed withdrawal of approval and to demonstrate that disputed issues of material fact exist that require a hearing. Any hearing held in response to proper requests that are received is likely to occur during the first 6 months of 1976. To avoid any future misunderstanding, the Commissioner announces that, should a final Agency decision withdrawing approval of DES for use in animals used for human food be issued before the dates specified for final submission of data supporting the safety and efficacy of DES-antibacterial combination products, this order will not authorize the continued marketing of these combination products pending the completion and submission of the required studies.

6. Questions have arisen about the impact on § 558.15 of *Hoffmann-LaRoche* v. *Weinberger*, Civil Action No. 75-0272 (D.D.C., filed July 27, 1975).

Section 558.15 serves three functions: Principally, it requires submission of data to resolve the safety and effectiveness questions pertaining to the use of subtherapeutic antibacterial drug combinations. Secondly, it provides the Agency with documentation of the marketing of subtherapeutic antibacterial combinations transitionally approved by section 108 of the Animal Drug Amendments and requires these files to be supplemented with contemporary scientific data. Finally, it establishes the conditions under which products containing subtherapeutic levels of antibacterial drugs for use in animal feed may continue to be marketed. These requirements permit FDA more efficiently to regulate the marketing and use of these drugs.

The decision in *Hoffmann-LaRoche* clarifies the scope of § 558.15. The Commissioner has thoroughly reviewed the files on all drugs and sponsors for which the commitments were received to conduct the studies required by this regulation, and the only drugs and sponsors which the Commissioner has determined to be approved for use by NADA, NDA, master file, antibiotic regulation or food additive regulation have been listed. NADA's for drugs subject to the regulation that were filed by persons or firms that did not have, and in some instances may not have been required to have, an approval for marketing are being processed as part of the review required by § 558.15.

7. Whitmoyer Laboratories, Inc., questioned the proposed deletion of the carbarsone-bacitracin methylene disalicylate drug combination (item c) from § 121.310(b) and the failure to list the combination in § 558.15(g)(1) because Whitmoyer holds an approved NADA for the carbarsone combination for use in turkey feed.

The Commissioner concludes that safety studies are being conducted pursuant to § 558.15 by the sponsors of bacitracin methylene disalicylate, and Whitmoyer Laboratories, NADA for the carbarsone-bacitracin methylene disalicylate combination was approved under contemporary efficacy criteria. Therefore, the Commissioner is vacating the proposed revocation of this drug combination from the regulations.

Addition of the drug combination to paragraph (g)(1), however, would be incorrect. Paragraph (g)(1) lists only the manufacturers sponsoring studies to demonstrate the safety of specific antibacterial premixes, and the drug combination is not a premix. Paragraph (g)(2), on the other hand, lists the drug combinations permitted for inclusion in animal feed when prepared from a premix in paragraph (g)(1) and the sponsors of these drug combinations. The NADA for Whitmoyer's combination product was approved under contemporary efficacy criteria, and the required safety studies are being conducted by the sponsor of the antibacterial premix. Because the drug combination meets the criteria established for interim marketing, the Commissioner has added Whitmoyer Laboratories, Inc., and this drug combination to paragraph (g)(2).

8. Norwich Pharmacal Company commented that indications for the use of nihydrazone in § 121.237(d), item 1, should not include claims for the coccidial species *E. maxima* or *E. brunetti*, or the claim for histomoniasis (black head).

As required by § 558.15, commitments have been filed to conduct studies to generate data to support the effectiveness of the nihydrazone drug combinations for the subtherapeutic indications of use set forth in § 121.237. The Commissioner, however, has not conducted a reevaluation of the data available to support the effectiveness claims of nihydrazone as a single ingredient for other indications of use. Nihydrazone, as a single ingredient, was approved for use, among other things, against histomoniasis (black head) and coccidiosis caused by *E. maxima* and *E. brunetti*. The Commissioner concludes that this order is not appropriate for the revision of the approved uses for single ingredient new animal drugs that do not involve subtherapeutic claims. Such a revision would involve drugs whose sponsors were not given appropriate notice to substantiate these claims of effectiveness. Revisions of this nature are more appropriately handled in a separate specific notice giving all holders of approvals for this drug an opportunity to support these indications of use with a well-organized and full-factual analysis of the data to support its effectiveness. This action can be more efficiently handled when all safety and effectiveness data generated pursuant to § 558.15 have been submitted and reviewed. At that time the Commissioner will determine whether the withdrawal of approval of any or all NADA's for nihydrazone drugs is appropriate. Therefore, the Commissioner disagrees with the contention that the indications for use of nihydrazone against coccidiosis caused by *E. maxima* and *E. brunetti* or histomoniasis (black head) should be deleted from the regulations in this order.

9. The notices of August 6, 1974 proposed the deletion from § 558.105(f)(1) of buquinolate 75 grams per ton in finished feed for chickens in combination with: (iv) penicillin, 2.4 to 50 grams per ton; (v) bacitracin, 4 to 50 grams per ton; (vi penicillin plus bacitracin, 3.6 to 50 grams per ton (not less than 0.6 gram of penicillin nor less than 3 grams of bacitracin); and (vii) chlortetracycline, 200 grams (§ 558.105(f)(1) (iv) through (vii) was formerly § 135e.35(f), item 5. a through d). Norwich Pharmacal commented that the efficacy requirements for these drug combinations had been satisfied under contemporary efficacy criteria and that safety studies are being conducted pursuant to § 558.15 for penicillin alone, bacitracin alone, and chlortetracycline alone. On this basis Norwich requested that these drug combinations not be revoked from the regulations.

The Commissioner concludes that these drug combinations have been approved under contemporary efficacy criteria and that the required studies are being conducted to demonstrate the safety of penicillin, bacitracin, and chlortetracyline. Therefore, the Commissioner is vacating the proposed revocation of § 558.105(f)(1) (iv), (v), and (vii).

Because of the difficulty and complexity of research required by § 558.15 in the safety area, the Commissioner further concludes that, at the present time, the safety issues concerning bacterial drug resistance and resistance transfer caused by subtherapeutic antibacterial drug combinations should be first evaluated on the basis of studies that assess the safety of the antibacterials individually. The questions raised by § 558.15 are scientifically complex, and in many instances no model systems for testing are available. Research on a single antibacterial drug minimizes the variables in the studies, prevents masking of untoward effects, and produces more definitive data on the influence of the drug

on animal bacteria. Furthermore, the data may conclusively resolve the theoretical questions raised.

For these reasons the Commissioner concludes that these studies to demonstrate the safety of penicillin alone and bacitracin alone are sufficient to permit the interim marketing of penicillin-bacitracin drug combinations, and the Commissioner is vacating the proposed revocation of § 558.105(f)(1)(vi).

10. Merck & Company questioned the absence from § 558.15 of a provision for a combination drug product containing procaine penicillin-streptomycin administered in drinking water.

The Commissioner advises that the deliberations and conclusions of the FDA Task Force on the Use of Antibiotics in Animal Feeds were directed at the use of antibacterial agents administered to animals in feeds. For this reason, the Commissioner has not included in § 558.15 drugs administered in other dosage forms, such as those administered in drinking water. The safety and effectiveness of drugs administered in these dosage forms are being independently considered.

11. Merck & Company also objected to the failure to list in § 558.15(g) (1) and (2) certain antibacterial premixes and drug combinations for which the firm is sponsoring safety or effectiveness studies, and the concurrent proposed revocation of the corresponding regulations for the drug combinations.

The Commissioner agrees that Merck is sponsoring studies to demonstrate the safety of a penicillin-streptomycin premix. Therefore, Merck and this premix have been added to § 558.15(g)(1) with the indications for use set forth in §§ 121.225 and 121.256 (21 CFR 121.225 and 121.256). Because Merck is conducting studies to resolve the safety issues concerning this penicillin-streptomycin premix for these indications of use, the drug combinations made from this premix for which Merck is also conducting appropriate effectiveness studies may be validly marketed. These drug combinations and their sponsor, Merck, have been added to § 558.15(g)(2), and the proposed revocation of these drug combinations from § 121.256 is vacated.

Merck is also sponsoring effectiveness studies for the following drug combinations which contain erythromycin 4.6 to 18.5 grams per ton and are listed in § 121.210(c) (21 CFR 121.210(c)), table 1, items 2.1, 2.2, 2.3, and 2.4: amprolium 113.5 to 227 grams per ton, amprolium 113.5 to 227 grams per ton plus ethopabate 3.6 grams per ton, amprolium 113.5 to 227 grams per ton plus arsanilic acid 90 grams per ton, and amprolium 113.5 to 227 grams per ton plus ethopabate 3.6 grams per ton plus arsanilic acid 90 grams per ton. Since Abbott Laboratories, Inc. is sponsoring studies to resolve the safety issues concerning the erythromycin premix, these drug combinations may be marketed during the interim period. Therefore, the Commissioner has restored these amprolium combinations to § 558.15(g)(2) with Merck as their sponsor, and the proposed revocation of these regulations is vacated.

12. Commercial Solvents Corporation commented that it is conducting studies pursuant to § 558.15 to resolve conclusively the safety issues concerning zinc bacitracin. In addition, the company filed commitments to conduct studies to demonstrate the effectiveness of the following drug combinations:

a. Zinc bacitracin, amprolium, and ethopabate;

b. Zinc bacitracin, amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid;

c. Zinc bacitracin and arsanilic acid; and

d. Zinc bacitracin, zoalene, and 3-nitro-4-hydroxyphenylarsonic acid.

The firm objected to the omission of these drug combinations from § 558.15(g)(2) and the proposed deletion of these drug combinations from Part 121 (21 CFR Part 121).

The Commissioner concludes that Commercial Solvents Corporation has filed commitments to resolve the safety of zinc bacitracin and to demonstrate the effectiveness of the drug combinations in question. Therefore, these drug combinations are eligible for marketing. The Commissioner has listed these drug combinations in § 558.15(g)(2) and is vacating the proposed deletion of these drug combinations from Part 121.

13. Elanco Products Company objected to the proposed deletion of various drug combinations containing hygromycin B for subtherapeutic usage from §§ 121.210 and 121.213 on the grounds that Elanco is sponsoring studies to resolve conclusively the safety of this drug.

Hygromycin B premix and drug combinations containing this drug are within the purview of § 558.15. The Commissioner concludes that the hygromycin B drug combinations proposed for deletion from the regulations are not supported by evidence of effectiveness meeting contemporary scientific criteria, and neither Elanco nor any other drug sponsor has submitted commitments to conduct studies to generate data to demonstrate the effectiveness of the hygromycin B drug combinations, which is also required by § 558.15. Therefore, the Commissioner further concludes that these drug combinations are properly deleted from the regulations.

14. Salsbury Laboratories objected to the proposed revocation of § 121.263, 3-5 dinitrobenzamide; § 121.264, sulfanitran; and § 558.35(g) (5) through (7) (formerly § 135e.31(g), table item 2a.2, b.2, and c.2), aklomide, because these drugs do not exhibit antibacterial activity under any currently approved uses when used as single ingredients and thus are not subject to § 558.15.

The Commissioner concludes that the requirements established by § 558.15 are inapplicable to these drugs when they are used as single ingredients because they are not antibacterials. Nevertheless, the requirements are applicable when these drugs are combined with antibacterials. To market any such combination, a drug sponsor must have filed a commitment to conduct studies to resolve conclusively the issues concerning the safety of the antibacterial component. In addition, adequate effectiveness data meeting contemporary scientific criteria must be included in an approved NADA for the drug or the sponsor must have filed a commitment to conduct studies to generate such data.

The Commissioner has determined that § 121.263 lists no 3,5-dinitrobenzamide-antibacterial combination drugs and, thus, is vacating the proposed revocation of that section.

Sulfanitran-antibacterial combinations were listed in § 121.264(e), and aklomide - antibacterial combinations were listed in § 558.35 (formerly § 135e.-31). None of these antibacterial drug combinations has been evaluated for effectiveness under contemporary scientific criteria, and no commitments to conduct the necessary effectiveness studies have been filed for them. The Commissioner therefore concludes that sulfanitran-antibacterial and aklomide-antibacterial combinations are properly deleted from § 121.264 and § 558.35, respectively, and is revoking items a through d in the table of § 121.264(c) and paragraph (g) (5) through (8) of § 558.35.

15. E. R. Squibb & Sons, Inc., commented that the Commissioner incorrectly proposed to revoke the regulations in § 121.220(d) for use of nystatin in the feed of laying and growing chickens and growing turkeys at 50 and 100 grams per ton. Squibb contended that the drug is an antifungal agent and thus beyond the scope of § 558.15.

The Commissioner agrees with this comment. The FDA Task Force on the Use of Antibiotics in Animal Feeds did not review antifungal products and made no recommendations concerning them. The Commissioner concludes that nystatin also has no significant effect on bacteria and viruses and is outside the purview of § 558.15. Therefore, he is vacating the proposed revocation of items 1, 2, and 3 in table 1 of § 121.220(d) for the use of nystatin as a single ingredient for growth promotion.

However, the nystatin-antibacterial combinations used for subtherapeutic purposes are within the scope of § 558.15. These combinations were not approved on the basis of contemporary effectiveness criteria, and no commitments were filed to conduct the requisite effectiveness studies. Therefore, the Commissioner concludes that all nystatin-antibacterial combinations are properly deleted from § 121.220(d).

16. Dow Chemical Company objected to the deletion of § 558.175(e)(1)(iii) (formerly § 135e.46(e), item 6. a and c) from the regulations, which covers clopidol (0.0125%), roxarsone (0.005%), and bacitracin methylene disalicylate (4 to 25 grams per ton); and clopidol (0.0125%), roxarsone (0.005%), and zinc bacitracin (4 to 25 grams per ton). The firm contended that these drug combinations had been evaluated and approved based on contemporary scientific criteria, and they are, therefore, outside the scope of § 558.15.

The Commissioner agrees with this comment. The NADA's for these new animal drugs were approved specifically for use in poultry feeds on the basis of contemporary effectiveness criteria, and studies are being conducted pursuant to § 558.15 to resolve the safety issues concerning the antibacterial components of these combinations. The Commissioner concludes that these drug combinations may be marketed when they are prepared from a drug listed in § 558.15(g)(1). Therefore, he is vacating the proposed deletion of these drug combinations from § 558.175.

17. The Diamond Shamrock Chemical Company questioned its omission from the list of approved sponsors in § 558.15(g)(2), asserting that it is participating in cooperative studies to resolve the safety of bacitracin methylene disalicylate as required by § 558.15, and that it has submitted protocols for in vitro and in vivo studies conducted with bacitracin methylene disalicylate in accordance with the requirements set by § 558.15(b)(1). Additionally, Diamond Shamrock asserted that it has letters from the holders of NADA's for bacitracin methylene disalicylate authorizing it to use the safety and effectiveness data in their files.

The Commissioner has reviewed the material submitted by Diamond Shamrock and concludes that the firm has complied with the intent and critical elements of § 558.15 by sponsoring studies to resolve the safety issues for bacitracin methylene disalicylate in animal feed. Although Diamond Shamrock failed to make certain technical filings by the appropriate date, it has substantially complied with the requirements of the regulation. Diamond Shamrock has now completed the necessary filings, and the Commissioner has added Diamond Shamrock to the list of sponsors of antibacterial premixes for bacitracin methylene disalicylate in § 558.15(g)(1).

18. Diamond Shamrock also objected to its omission from § 558.15(g)(2) as a sponsor of a chlortetracycline-arsanilic acid drug combination for use in swine feed and the proposed deletion of this combination from § 510.515 because it is actively conducting studies to meet the criteria imposed by § 558.15 and has filed the appropriate applications.

The Commissioner agrees with this comment. Therefore, this chlortetracycline-arsanilic acid drug combination has been added to § 558.15(g)(2) with Diamond Shamrock as its sponsor. The proposed revocation of this drug combination is vacated, and it has been added to § 510.515(c)(11).

19. A comment by American Cyanamid Company particularized the following specific instances in which it contended chlortetracyline drug combinations were improperly proposed for revocation from the regulations:

(a) Section 121.208(d), table 1, 6(a) and § 121.210(c), 2.1, 2.2, 3.1 and 4.1

(b) Section 121.208(d), table 1, 6(d) and § 121.207(c), 2.1 and 3.1

(c) Section 121.208(d), table 1, 6(e) and § 121.262(c), 1.1

(d) Section 121.208(d), table 1, 11(c) and § 121.207(c), 2.1 and 3.1

(e) Section 121.208(d), table 1, 15(a) and § 121.210(c), 2.11(u)

(f) Section 121.208(d), table 1, 16 and § 558.195(g)(4) (formerly § 135e.51(g) 2b.1)

(g) Section 121.225(d)(3)(v) (formerly § 121.225(f)(3)(v))

(h) Section 121.262(c), 1.24 and § 558.515(f)(1)(ii) (formerly § 135e.66(f)(2))

(i) Section 121.208(d), table 1, 17 and § 558.515(f)(1)(iii), (iv), and (v) (formerly § 135e.66(f)(3), (4) and (5))

(j) Section 510.515(b)(23) (formerly § 144.26(b)(23))

(k) Section 510.515(b)(34) (formerly § 144.26(b)(34))

(l) Section 510.515(b)(43) (formerly § 144.26(b)(43))

The Commissioner concurs with this comment. Items (a) through (f) relate to drug combinations containing therapeutic levels of chlortetracycline, and the drugs are indicated for therapeutic uses. Item (g) relates to increased rate of gain uses in lambs and growing sheep. Safety studies for chlortetracycline sponsored by American Cyanamid Company are underway and drug efficacy requirements for the product were satisfied by the National Academy of Sciences-National Research Council's Review. The claim proposed for revocation in item (h) does not involve antibacterials. These drug combinations are beyond the scope of § 558.15, and the Commissioner is vacating the proposed revocation of these drug combinations.

The effectiveness of the uses covered by items (i) through (l) was established on the basis of contemporary scientific criteria, and commitments to conduct studies pursuant to § 558.15 to resolve safety issues concerning chlortetracycline have been submitted. Therefore, the Commissioner concludes that these drug combinations may be marketed when manufactured from chlortetracycline premixes listed in § 558.15(g)(1), and he is vacating the proposed revocation of these drug combinations. These drugs have been listed in the appropriate regulations on the basis of the Commissioner's determination.

20. Hess and Clark, Division of Rhodia, Inc., objected to the proposed revocation of paragraph (g)(3) and (4) of § 558.195 (formerly § 135e.51) providing for decoquinate-zinc bacitracin and decoquinate-chlortetracycline combinations because these drug combinations are the subject of recent NADA approvals. Furthermore, the manufacturers of zinc bacitracin and chlortetracycline premixes have filed commitments to conduct studies pursuant to § 558.15 to resolve the safety issues concerning these antibiotics.

The Commissioner agrees with this comment. The data in the NADA's for these drug combinations were evaluated using contemporary efficacy criteria, and the Commissioner previously concluded that the data demonstrated the effectiveness of the combinations. In addition, commitments to conduct the investigations required to establish the safety of the zinc bacitracin and chlortetracycline ingredients in the combinations have been filed in accordance with § 558.15. These drug combinations may be marketed when prepared from zinc bacitracin or chlortetracycline premixes listed in § 558.15(g)(1). Therefore, the proposed revocation of these drug combinations from the regulations is vacated.

21. Abbott Laboratories and its erythromycin thiocyanate premix for use in cattle were omitted from § 558.15(g)(1). Abbott objected to this omission, and it also opposed the proposed revocation of 20 specific antibacterial drug combinations from §§ 121.207, 121.210, 121.253, 121.292, and 510.515.

The Commissioner concludes that Abbott filed a proper commitment to conduct studies pursuant to § 558.15 to demonstrate the safety of erythromycin thiocyanate as a growth promotant in cattle. The appropriate material was filed by Abbott when the company realized that commitments were necessary to demonstrate the safety of the drug in each species of animal for which the drug is sought to be marketed. Therefore, the Commissioner has added Abbott's erythromycin thiocyanate premix to § 558.15(g)(1), and he is vacating the proposed deletion of this drug from § 510.515.

Abbott filed suitable commitments to conduct studies to demonstrate the effectiveness of certain erythromycin drug combinations in accordance with § 558.15. Based on these commitments the Commissioner concludes that those erythromycin drug combinations are eligible for interim marketing. Therefore, he is vacating the proposed revocation of the combinations of erythromycin and zoalene with or without arsanilic acid and the combinations of erythromycin, amprolium, and arsanilic acid with or without ethopabate from §§ 121.207, 121.210, 121.253, and 121.292.

22. Abbott Laboratories also opposed the revocation of bacitracin, zoalene, and arsanilic acid drug combinations from § 121.207(c) subitems 2.4c, 3.4c and § 121.253(c) subitem 1.8d and chlortetracycline, bacitracin, arsanilic acid, and sodium arsanilate combinations from § 510.515.

The Commissioner has received no commitment from Abbott or any other drug sponsor to conduct appropriate studies in support of the safety and effectiveness of these drug combinations. Therefore, the Commissioner concludes that these regulations are properly revoked.

23. Pfizer, Inc., objected to the proposed deletion of penicillin-streptomycin drug combinations from § 121.256(d), table 1, and the failure of the proposed amendments to list all antibacterials and antibacterial drug combinations for which Pfizer has filed proper commitments to conduct safety and effectiveness studies, namely, oxytetracycline, penicillin, streptomycin, and penicillin and streptomycin drug combinations in § 558.15(g)(1) and (2).

The Commissioner has concluded that Pfizer has filed the proper commitments and is conducting the requisite studies to demonstrate the safety and effectiveness of these drug products. Therefore, the Commissioner is vacating the proposed deletion of the penicillin-strepto-

mycin drug combinations from § 121.256 (d), table 1, and has added the oxytetracycline, penicillin, streptomycin, and penicillin-streptomycin drugs with Pfizer as their sponsor to § 558.15(g) (1) and (2), respectively. The indications for use of these drugs have been amended to correspond to those permitted under prior approvals held for the products by Pfizer.

The Commissioner has carefully considered the environmental effects of this action and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 510, and 558 are amended as follows:

1. In § 121.200 by adding a new paragraph (d) to read as follows:

§ 121.200 Definitions and interpretations applicable to Subpart C.

* * * * *

(d) Regulations prescribing conditions under which antibiotic, nitrofuran and sulfonamide drugs may be safely used in animal feed shall not be construed to relieve such drugs from the provisions of § 558.15 of this chapter where applicable.

2. In § 121.207(c) by revising the table to read as follows:

§ 121.207 Zoalene.

* * * * *

(c) * * *

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Zoalene	113.5–170.3 (0.0125%–0.01875%)			For turkeys grown for meat purposes only.	Prevention and control of coccidiosis.
1.2 Zoalene	113.5–170.3 (0.0125%–0.01875%)	Carbarsone (not U.S.P.).	277–340.5 (0.025%–0.0375%)	For turkeys grown for meat purposes only; feed continuously beginning 2 weeks before blackhead and coccidiosis are expected and continue as long as prevention of blackhead and prevention and control of coccidiosis is needed; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention and control of coccidiosis; aid in the prevention of blackhead.
a.–c. [Reserved]					
d. Zoalene	113.5–170.3	Arsanilic acid	90 (0.01%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency, improving pigmentation.
e. Zoalene	113.5–170.3	Sodium arsanilate.	90 (0.01%)	do	Do.
f. Zoalene	113.5–170.3	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
.1 Zoalene	113.5 (0.0125%)			For broiler chickens	Prevention and control of coccidiosis.
2.2 Zoalene	113.5 (0.0125%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.3 Zoalene	113.5 (0.0125%)	Sodium arsanilate.	90 (0.01%)	do	Do.
2.4 Zoalene	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	Do.
2.5–2.7 [Reserved].					
2.8 Zoalene	113.5 (0.0125%)	Lincomycin	2	For broiler chickens; do not feed to laying chickens; to be fed as the sole ration; as lincomycin hydrochloride monohydrate provided by No. 000009, see § 510.600(c) of this chapter; zoalene provided by No. 025700, see § 510.600(c) of this chapter.	Increase in rate of weight gain, improved feed efficiency, and as an aid in the prevention and control of coccidiosis.
a. 2.1, 2.2, or 2.4.	113.5	Penicillin	2.4–50	For broiler chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. [Reserved]					
c. 2.1, 2.4	113.5	Bacitracin	4–50	For broiler chickens; as bacitracin methylene disalicylate, or zinc bacitracin.	Do.
d. [Reserved]					
e. 2.1	113.5	Chlortetracycline	100–200	For broiler chickens; as prescribed in § 121.208(d), table 1, item 6, as chlortetracycline hydrochloride.	As prescribed in § 121.208(d), table 1, item 6.

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
f. 2.1	113.5	Bacitracin	100-500	For broiler chickens; as prescribed in § 121.233(d), table 1, item 6.1; as zinc bacitracin.	As prescribed in § 121.233(d), table 1, item 6.1.
g.-i. [Reserved]					
j. 2.1, 2.2	113.5	Erythromycin	4.6-18.5	For broiler chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
k.-n. [Reserved]					
o. 2.1, 2.2	113.5	do	92.5-185	§ 121.292(d), items 1.1, 2.1, 4.1.	§ 121.292(d), items 1.1, 2.1, 4.1.
3.1 Zoalene	36.3-113.5 (0.004%-0.0125%)			For replacement chickens; in complete feed only; (grower ration not to be fed to birds over 14 weeks of age), as follows:	Development of active immunity to coccidiosis.

Growing conditions	Amount of zoalene in feed for birds by age group	
	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4-113.5 (0.0083%-0.0125%)
Light to moderate exposure.	75.4-113.5 (0.0083%-0.0125%)	36.3-75.4 (0.004%-0.0085%)

3.2 Zoalene	36.3-113.5 (0.004%-0.0125%)	Arsanilic acid	90 (0.01%)	For replacement chickens; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic, as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4-113.5 (0.0083%-0.0125%)
Light to moderate exposure	75.4-113.5 (0.0083%-0.0125%)	36.3-75.4 (0.001%-0.0085%)

3.3 Zoalene	36.3-113.5 (0.004%-0.0125%)	Sodium arsanilate	90 (0.01%)	For replacement chickens; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic, as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4-113.5 (0.0083%-0.0125%)
Light to moderate exposure	75.4-113.5 (0.0083%-0.0125%)	36.3-75.4 (0.004%-0.0085%)

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.4 Zoalene	36.3–113.5 (0.004%–0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	For replacement chickens; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic, as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0085%)

a. 3.1, 3.2, or 3.4	36.3–113.5 (0.004%–0.0125%)	Penicillin	2.4–50	Replacement chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b.–d. [Reserved]					
e. 3.1	36.3–113.5 (0.004%–0.0125%)	Chlortetracycline	100–200	Replacement chickens; as prescribed in § 121.208(d), table 1, items 6 and 11, as chlortetracycline hydrochloride.	As prescribed in § 121.208(d), table 1, items 6 and 11.
f. 3.1	36.3–113.5	Bacitracin	100–500	For replacement chickens; as prescribed in § 121.233 (d), table 1, item 6.1; as zinc bacitracin.	As prescribed in § 121.233(d), table 1, item 6.1.
g.–i. [Reserved]					
j. 3.1, 3.2	36.3–113.5	Erythromycin	4.6–18.5	For replacement chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
k.–n. [Reserved]					
o. 3.1, 3.2	36.3–113.5	do	92.5–185	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, 4.2.	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, 4.2.

* * * * *

§ 121.208 [Amended]

3. In § 121.208 *Chlortetracycline* paragraph (d) is amended:

a. In table 1 by deleting subitems a through e following item 2; by deleting subitems a and b following item 3; by deleting subitem a following item 4; by deleting subitems a through c following item 5; by deleting subitems a and b following item 7; and by deleting the present text in subitem a following item 11 and designating the subitem "[Reserved]".

b. In table 2 by deleting subitem a following item 1.

4. In § 121.210(c) by revising the table to read as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Amprolium	113.5–227 (0.0125%–0.025%)			For turkeys	Prevention of coccidiosis.
a. 1.1	113.5–227	Penicillin	2.4–50	For turkeys; as procaine penicillin.	Growth promotion and feed efficiency.
b.–d. [Reserved]					
e. 1.1	113.5–227	Bacitracin	4–50	For turkeys; as bacitracin methylene disalicylate.	Do.
f. [Reserved]					
g. 1.1	113.5–227	Penicillin plus streptomycin.	90–180	For turkeys; § 121.256(d), table 1, item 7.1.	§ 121.256(d), table 1, item 7.1.
h. [Reserved]					
i. 1.1	113.5–227	Arsanilic acid	90 (0.01%)	For turkeys; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
j. 1.1	113.5–227	Sodium arsanilate	90 (0.01%)	For turkeys; withdraw 5 days before slaughter.	Do.
k. 1.1	113.5–227	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
l. 1.1	113.5–227	Bacitracin	100–500	§ 121.233(d), table 1, item 8.1.	§ 121.233(d), table 1, item 8.1.
m. 1.1	113.5–227	Penicillin plus bacitracin.	100–500	§ 121.233(d), table 1, item 8.2.	§ 121.233(d), table 1, item 8.2.
2.1 Amprolium	113.5–227 (0.0125%–0.025%)			For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired.	Prevention of coccidiosis.
2.2 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate	3.6 (0.0004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for laying hens.	Do.
2.3 Amprolium	113.5–227 (0.0125%–0.025%)	Arsanilic acid	90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.4 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + Arsanilic acid	3.6 (0.0004%) 90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.
2.5–2.7 [Reserved]					
2.8 Amprolium	113.5–227 (0.0125%–0.025%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Do.
2.9 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + 3-Nitro-4-hydroxyphenylarsonic acid.	3.6 (0.0004%) 22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.
2.10 Amprolium	113.5 (0.0125%)	Ethopabate + 3-Nitro-4-hydroxyphenylarsonic acid + Lincomycin	3.6 (0.0004%) 45.4 (0.005%) 2–4	For broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic.	For increase in rate of weight gain; improved feed efficiency and pigmentation; as an aid in the prevention of coccidiosis in broiler chickens.
2.11 Amprolium	113.5 (0.0125%)	Ethopabate + Lincomycin	3.6 (0.0004%) 2–4	For broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; as sole source of amprolium.	For increase in rate of weight gain; improved feed efficiency; as an aid in the prevention of coccidiosis in broiler chickens.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.12 Amprolium	113.5 (0.0125%)	Bambermycins + Ethopabate	2-3 36.3 (0.004%)	For broiler chickens; feed continuously as the sole ration; as sole source of amprolium; amprolium, ethopabate as provided by No. 000006 in § 510.600 (c) of this chapter, bambermycins as provided by No. 000039 in § 510.600(c) of this chapter.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur. For increased rate of weight gain, and improved feed efficiency.
2.13 Amprolium	113.5 (0.0125%)	Bambermycins + Ethopabate + Roxarsone	2-3 36.3 (0.004%) 22.8-34.1 (0.0025%-0.00375%)	For broiler chickens; feed continuously as the sole ration; as sole source of amprolium and organic arsenic; amprolium and ethopabate as provided by No. 000006 in § 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 000039. Withdraw 5 days before slaughter.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur. For increased rate of weight gain, improved feed efficiency, and improved pigmentation.
2.14 Amprolium	113.5 (0.0125%)	Bambermycins + Ethopabate + Roxarsone	2-3 3.63 (0.0004%) 22.8-34.1 (0.0025%-0.00375%)	do	As an aid in the prevention of coccidiosis. For increased rate of weight gain, improved feed efficiency and improved pigmentation.
2.15 Amprolium	113.5 (0.0125%)	Bambermycins + Roxarsone	2-3 22.8-34.1 (0.0025%-0.00375%)	For broiler chickens; feed continuously as the sole ration; as sole source of amprolium and organic arsenic; amprolium as provided by No. 000006 in § 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 000039. Withdraw 5 days before slaughter.	Do.
a. 2.1, 2.2	113.5-227	Penicillin	2.4-50	As procaine penicillin	Growth promotion and feed efficiency.
b.-d. [Reserved]					
e. 2.1, 2.2, or 2.9	113.5-227	Bacitracin	4-50	As bacitracin methylene disalicylate.	Do.
f.-g. [Reserved]					
h. 2.1 or 2.2	113.5-227	Bacitracin	100-200	As bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
i. 2.1 or 2.2	113.5-227	Chlortetracycline	100-200	As prescribed in § 121.208(d), table 1, item 6.	§ 121.208(d), table 1, item 6.
j. 2.1 or 2.2	113.5-227	Penicillin plus streptomycin.	90-180	§ 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k.-m. [Reserved]					
n. 2.1	113.5-227	Sodium arsanilate	90 (0.01%)	§ 121.254(c), table, item 1.	Growth promotion and feed efficiency; improving pigmentation.
o.-r. [Reserved]					
s. 2.1, 2.2, 2.3, and 2.4.	113.5-227	Erythromycin	4.6-18.5	As erythromycin thiocyanate.	Growth promotion and feed efficiency.
t. 2.1, 2.2, 2.3, and 2.4.	113.5-227	do	92.5-185	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, and 4.2.	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, and 4.2.
u. 2.2		Chlortetracycline	200	For broiler chickens; in low calcium feed containing 0.8 percent dietary calcium and 1.5 percent sodium Sulfate; feed continuously as sole ration for not more than the first 3 weeks of life.	Treatment of chronic respiratory disease caused by strains of *Mycoplasma gallisepticum* susceptible to chlortetracycline.
v. 2.1 or 2.2	113.5-227	Bacitracin	100-200	§ 121.233(d), table 1, item 6.1.	§ 121.233(d), table 1, item 6.1.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3.1 Amprolium	36.3–113.5 (0.004%–0.0125%)			For replacement chickens; as follows:	Development of active immunity to coccidiosis.
			Growing conditions	Amount of amprolium in feed for birds by age groups: Up to 5 weeks of age	From 5 to 8 weeks of age	Over 8 weeks of age
			Severe exposure to coccidiosis.	*Grams per ton* 113.5 (0.0125%)	*Grams per ton* 72.6–113.5 (0.008%–0.0125%)	*Grams per ton* 36.3–113.5 (0.004%–0.0125%)
			Moderate exposure to coccidiosis.	72.6–113.5 (0.008%–0.0125%)	54.5–113.5 (0.006%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
			Slight exposure to coccidiosis.	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
3.2 Amprolium	36.3–113.5 (0.004%–0.0125%)	Arsanilic acid	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; withdraw 5 days before slaughter; as sole source of organic arsenic.	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
3.3 Amprolium	36.3–113.5 (0.004%–0.0125%)	Sodium arsanilate	90 (0.01%)	do	Do.
a. 3.1 or 3.2	36.3–113.5	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b.–g. [Reserved]					
h. 3.1	36.3–133.5	Bacitracin	100–200	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
i. 3.1	36.3–113.5	Chlortetracycline	100–200	As prescribed in § 121.208(d), table 1, item 6.	§ 121.208(d), table 1, item 6.
j. 3.1	36.3–113.5	Penicillin plus streptomycin.	90–180	§ 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k.–l. [Reserved]					
m. 3.1, 3.2	36.3–113.5	Erythromycin	4.6–18.5	As erythromycin thiocyanate.	Growth promotion and feed efficiency.
n. 3.1, 3.2	36.3–113.5	do	92.5–185	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, 4.2.	§ 121.292(d), table, items 1.1, 1.2, 2.1, 2.2, 4.1, 4.2.
o.–p. [Reserved]					
q. 3.1	36.3–113.5	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 1.1.	§ 121.262, table 1, item 1.1.
r.–s. [Reserved]					
4.1 Amprolium	72.6–113.5 (0.008%–0.0125%)			For broiler chickens	Prevention of coccidiosis caused by *E. tenella* only.
4.2 Amprolium	72.6–113.5 (0.008%–0.0125%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella* only; growth promotion and feed efficiency; improving pigmentation.
4.3 Amprolium	72.6–113.5 (0.008%–0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	Do.
a. 4.1	72.6–113.5	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b.–g. [Reserved]					
h. 4.1	72.6–113.5	Bacitracin	100–200	As bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
i. 4.1	72.6–113.5	Chlortetracycline	100–200	As prescribed in § 121.208(d), table 1, item 6.	§ 121.208(d), table 1, item 6.
j. 4.1	72.6–113.5	Penicillin plus streptomycin.	90–180	§ 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k.–m. [Reserved]					
n. 4.1	72.6–113.5	Sodium arsanilate	90	Withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
5.1 Amprolium	113.5 (0.0125%)			For moderate outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Treatment of coccidiosis.
6.1 Amprolium	227 (0.025%)			For severe outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Do.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
7.1 Amprolium	113.5 (0.0125%)	Ethopabate	36.3 (0.004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for chickens over 16 weeks of age.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur.
a. 7.1		Bacitracin	4-50	For broiler chickens; do not feed to laying chickens; as sole source of amprolium; not for use as a treatment for outbreaks of coccidiosis; as bacitracin methylene disalicylate as provided by code No. 000794 in § 510.600(c) of this chapter; feed as the sole ration from the time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; approval for this combination granted to firm No. 000006 as identified in § 510.600(c) of this chapter.	To aid in prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.
b. 7.1		3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter; as sole source of amprolium; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; 3-nitro - 4 - hydroxyphenylarsonic acid as provided by code No. 017210 in § 510.600(c) of this chapter; approval for this combination granted to firm No. 000006 as identified in § 510.600(c) of this chapter.	Do.
8.1 Amprolium	113.5 (0.0125%)			For laying chickens	Prevention of coccidiosis.
9.1 Amprolium	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid. + Ethopabate + Bacitracin	34 (0.00375%) 36.3 (0.004%) 5-35	For floor raised broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic; as bacitracin methylene disalicylate; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; amprolium and ethopabate as provided by code No. 000006 in § 510.600(c) of this chapter; bacitracin methylene disalicylate as provided by code No. 000794 in § 510.600(c) of this chapter; 3-nitro-4-hydroxyphenylarsonic acid as provided by code No. 017210 in § 510.600(c) of this chapter; approval for this combination granted to firm No. 000006 as identified in § 510.600 (c) of this chapter.	For increased rate of weight gain and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
10.1 Amprolium	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid. + Ethopabate + Bacitracin methylene disalicylate.	34 (0.00375%) 36.3 (0.004%) 20-35	do	For increased rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.

* * * * *

5. In § 121.213(d) by revising tables 1 and 2 to read as follows:

§ 121.213 Hygromycin B.

* * * * *

(d) * * *

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Hygromycin B	8-12				Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
a.-g. [Reserved]					
h. Hygromycin B	8-12	Penicillin	100	§ 121.256(d), table 1, item 9.1.	§ 121.256(d), table 1, item 9.1.
i. Hygromycin B	8-12	Penicillin plus bacitracin.	100-500	§ 121.256(d), table 1, items 11.1, 16.1.	§ 121.256(d), table 1, items 11.1, 16.1.
j. Hygromycin B	8-12	Penicillin plus streptomycin.	90-180	§ 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
k. [Reserved]					
l. Hygromycin B	8-12	Bacitracin	100	As bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
m. [Reserved]					
n. Hygromycin B	8-12	Chlortetracycline	100-200	§ 121.208(d), table 1, item 6.	§ 121.208(d), table 1, item 6.

TABLE 2—HYGROMYCIN B IN COMPLETE SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Hygromycin B	12			For swine; withdraw 48 hours before slaughter.	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*).
a.-b. [Reserved]					
c. Hygromycin B	12	Chlortetracycline	100-200	For swine; as chlortetracycline hydrochloride; withdraw 48 hours before slaughter.	Treatment of bacterial swine enteritis.

* * * * *

§ 121.220 [Amended]

6. In § 121.220 *Nystatin*, paragraph (d) is amended in the table by deleting subitems a through f following items 1, 3, 4, and 6.

7. By revising § 121.225 to read as follows:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

The antibiotics listed in this section may be safely used in animal feeds as an aid in stimulating growth and improving feed efficiency, in accordance with the following prescribed conditions:

(a) *Procaine penicillin.* Procaine penicillin as follows:

(1) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum* or the same antibiotic substances produced by any other means.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 2.4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iii) With streptomycin in the feed of chickens and turkeys at a level of 2.4 to 7.5 grams per ton of procaine penicillin with 12.0 to 37.5 grams per ton of streptomycin and in the feed of chickens at a level of 3.75 to 7.5 grams per ton of penicillin and 18.75 to 37.5 grams per ton of streptomycin.

(iv) With streptomycin in the feed of swine at a level of 1.5 to 7.5 grams per ton of penicillin combined with 7.5 to 37.5 grams per ton of streptomycin in the finished feed.

(v) In the feed of swine in an amount not less than 10 grams of penicillin nor more than 50 grams penicillin per ton of finished feed.

(b) *Zinc bacitracin.* Zinc bacitracin as follows:

(1) Zinc bacitracin is the zinc salt of the antibiotic substance produced by growth of *Bacillus subtilis* var. Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to zinc bacitracin or feed grade zinc bacitracin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens, turkeys, and pheasants in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In feed for growing cattle, in an amount providing not less than 35 milligrams nor more than 70 milligrams per animal per day.

(iii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(c) *Bacitracin methylene disalicylate.* Bacitracin methylene disalicylate as follows:

(1) Bacitracin methylene disalicylate is the methylene disalicylate salt of the antibiotic substance produced by growth of *Bacillus subtilis* var. Tracy or the same antibiotic substance produced by any other means, and for the purpose of this paragraph refers to bacitracin methylene disalicylate or feed grade bacitracin methylene disalicylate.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standards.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys in an amount not less than 4 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(d) *Chlortetracycline.* Chlortetracycline as follows:

(1) Chlortetracycline is the antibiotic substance produced by growth of *Streptomyces aureofaciens* or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to chlortetracycline or feed grade chlortetracycline.

(2) The quantities of the antibiotic referred to in this paragraph refer to activity equivalent to that of the appropriate antibiotic master standard.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(ii) In the feed of mink, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed and also as an aid in increasing pelt size.

(iii) In the feed of horses up to 1 year of age in the amount of 85 milligrams per head per day, where such horses are not to be slaughtered for food purposes.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) In the feed of lambs and growing sheep, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed.

(vi) In the feed of calves, in an amount not less than 25 milligrams per head per day nor more than 70 milligrams per head per day in finished feed.

(vii) In the feed of growing cattle, in an amount equal to 70 milligrams per head per day in finished feed.

(viii) In the feed of calves up to 250 pounds in weight, in an amount providing 0.1 milligram per pound of body weight per day in milk replacers or starter feeds.

(e) *Erythromycin thiocyanate.* Erythromycin thiocyanate as follows:

(1) Erythromycin thiocyanate is the thiocyanate salt of the antibiotic substance produced by the growth of *Streptomyces erythreus* or the same antibiotic substance produced by any other means.

(2) The levels of antibiotics listed are expressed in terms of the weight of erythromycin master standard. One gram of erythromycin thiocyanate is equivalent to 0.925 gram of erythromycin master standard.

(3) It is used or intended for use:

(i) In the feed of chickens, in an amount not less than 4.6 grams nor more than 18.5 grams per ton of finished feed.

(ii) In the feed of turkeys not over 12 weeks of age, in an amount not less than 9.25 nor more than 18.5 grams per ton of finished feed.

(iii) In the feed of feedlot beef cattle at 37 milligrams per head per day.

(f)–(v) [Reserved]

(w) *Labeling requirements.* (1) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity of each contained in any mixtures.

(iii) A statement of the conditions for which the feed is to be used.

(iv) Adequate mixing directions to provide a complete feed with the proper concentration of the additive or additives, whether or not intermediate feed additive supplements, feed additive concentrates, or feed additive premixes are also used.

NOTE: § 121.225(w) was amended by an order published in the FEDERAL REGISTER on March 20, 1965, 30 FR 3708, effective January 1, 1966, and was stayed at 30 FR 12353, September 28, 1965.

§ 121.232 [Reserved]

8. By revoking § 121.232 *Bacitracin* and reserving it for future use.

9. In § 121.233(d) by revising tables 1 and 2 to read as follows:

§ 121.233 Zinc bacitracin.

* * * * *

(d) * * *

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Bacitracin	10-50			For chickens; 50 grams per ton first 4 to 6 weeks of egg production; 10-50 grams per ton for remainder of egg-laying period; as zinc bacitracin.	Maintaining or increasing egg production.
2.1 Bacitracin	50-100			For chickens; as zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
3.1 Bacitracin	50-100			For turkeys; as zinc bacitracin.	Prevention of infectious sinusitis, blue comb (mud fever).
4.1 Bacitracin	100			For chickens; as zinc bacitracin.	Maintaining or increasing hatchability of eggs.
5.1 Bacitracin	100			do	During times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.
6.1 Bacitracin	100-500			do	Treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).
6.2 Bacitracin plus penicillin.	100-500			For chickens; 100-500 grams of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 grams of penicillin; as procaine penicillin plus zinc bacitracin.	Do.
a. 6.1	100-200	Amprolium	36.3-227	§ 121.210, table 1, items 2.1, 3.1, and 4.1.	§ 121.210, table 1, items 2.1, 3.1, and 4.1.
b. 6.1	100-200	Amprolium + ethopabate.	113.5-227 3.6	As prescribed in § 121.-210(c), table 1, item 2.2.	§ 121.210 (c), table 1, item 2.2.
c. 6.1	100	Hygromycin B	8-12	For chickens	§ 121.213(d), table 1, item 1.
d. 6.2	100	do	8-12	For chickens; 100 grams of combination; not less than 25 grams of penicillin nor less than 50 grams of bacitracin.	Do.
e. 6.1	100-200	Zoalene	36.3-113.5	For chickens; not for laying chickens; as prescribed in § 121.-207(c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.
7.1 Bacitracin	100-500			For chicks; in starter ration; as zinc bacitracin.	Prevention of early mortality of chicks due to organisms susceptible to zinc bacitracin.
8.1 Bacitracin	100-500			For turkeys; as zinc bacitracin.	Treatment of infectious sinusitis, blue comb (mud fever).
8.2 Bacitracin plus penicillin.	100-500			For turkeys; 100-500 grams of combination, containing not less than 50 percent nor more than 75 percent of bacitracin except that it contains not more than 125 grams of penicillin; as procaine penicillin plus zinc bacitracin.	Do.
a. 8.1, 8.2	100-200	Amprolium	113.5-227	For turkeys; as prescribed in § 121.210(c), table 1, item 1.1.	§ 121.210(c), table 1, item 1.1.

TABLE 2—ZINC BACITRACIN IN COMPLETE SWINE FEED

1.1 Bacitracin	50-100			For swine; as zinc bacitracin.	Aid in the prevention of bacterial swine enteritis.
2.1 Bacitracin	100			do	Treatment of bacterial swine enteritis.
2.2 Bacitracin plus penicillin.	100			For swine; 100 grams of combination, containing not less than 50 percent nor more than 75 percent of bacitracin; as zinc bacitracin plus procaine penicillin.	Do.

* * * * *

10. In § 121.237(d) by revising the table to read as follows:

§ 121.237 Nihydrazone.

* * * * *

(d) * * *

NIHYDRAZONE IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nihydrazone	100			For broilers; for replacement chickens not over 14 weeks of age; not for laying chickens.	Prevention of chronic respiratory disease (air-sac infection). In the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection, to reduce the number of lesions, and assist in maintaining weight gains and feed efficiency. Prevention of pullorum disease; fowl typhoid; paratyphoid (salmonellosis) coccidiosis caused by *E. tenella*, *E. necatrix*, *E. maxima*, and *E. brunetti* and histomoniasis (blackhead).
a. Nihydrazone	100	Penicillin	2.4-50	As procaine penicillin	Growth promotion and feed efficiency.
b. [Reserved]					
c. Nihydrazone	100	Bacitracin	4-50	As bacitracin methylene disalicylate, or zinc bacitracin.	Growth promotion and feed efficiency.
d. Nihydrazone	100	Chlortetracycline	10-50	As chlortetracycline hydrochloride.	Do.

* * * * *

§ 121.251 [Amended]

11. In § 121.251 *Oxytetracycline*, paragraph (d) is amended in table 1 by deleting subitems a through c following items 3 and 6.

§ 121.252 [Amended]

12. In § 121.252 *Bacitracin methylene disalicylate*, paragraph (d) is amended as follows:

a. In table 1 by deleting the following items and subitems: Item 1.2 and subitem a; item 2.2 and subitems a through d; item 3.2 and subitem a; item 5.2 and subitem a; item 6.2 and subitem a; subitems a through c following item 7.2; and item 4.2 and subitem a.

b. In table 2 by deleting item 1.2.

§ 121.253 [Amended]

13. In § 121.253 *Arsanilic acid*, paragraph (c) is amended in the table by deleting subitems a through e following item 1.8 and designating the subitems as "[Reserved]."

§ 121.256 [Amended]

14. In § 121.256 *Penicillin*, paragraph (d) is amended as follows:

a. In table 1 by deleting the following items and subitems: Item 1.1 and subitem a; subitem a following item 2.1; item 3.2 and subitems a and b; item 4.2 and subitem a; item 6.1 and subitem a; subitems a through c following item 8.1; item 10.1 and subitem a; items 12.1, 13.1 and subitem a, 15.1.

b. In table 1 items 16.1 and 17.1 under the limitations column by deleting "bacitracin or" following the words "procaine penicillin +."

c. In table 2 by deleting item 1 and designating the item as [Reserved].

d. In table 2 item 3 under the limitations column by deleting the word "bacitracin," following "procaine penicillin +."

15. In § 121.262(c) the table is amended by deleting subitems a through k following items 1.18 and 2.2 and by adding new subitems j and k following item 1.18 and new subitem a following item 2.2 to read as follows:

§ 121.262 3-Nitro - 4 - hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.18 * * *					
a.-i. [Reserved]					
j. 1.1	22.7-45.4	Chlortetracycline.	100-200	§ 121.208, table 1, item 6.	§ 121.208, table 1, item 6.
k. 1.3, 1.4	22.7-45.4	Bacitracin	4-50	As zinc bacitracin	Growth promotion and feed efficiency.
* * *	* * *	* * *	* * *	* * *	* * *
2.2 * * *					
a. 2.1	22.7-45.4	Chlortetracycline.	100-200	§ 121.208, table 1, item 7.	§ 121.208, table 1, item 7.
b.-k. [Reserved]					

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§ 121.264 [Amended]

16. In § 121.264 *Sulfanitran (acetyl-(p-nitrophenyl)-sulfanilamide)* by revoking subitems a through d following item 1.5 in the table in paragraph (c).

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17. Section 510.515 is revised to read as follows:

§ 510.515 Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.

Animal feeds that bear or contain penicillin, streptomycin in combination with penicillin, chlortetracycline, feed grade zinc bacitracin, and bacitracin methylene disalicylate, with or without added suitable nutritive ingredients are exempt from the certification requirements of section 512 of the act provided they are the subject of and in compliance with regulations for their use in Subpart C of Part 121 of this chapter, Part 558 of this chapter, or any one of the paragraphs of this section:

(a) Where indicated in paragraph (b) of this section it is manufactured with or without one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(1) Arsanilic acid: Not less than 0.005 percent and not more than 0.01 percent.

(2) Sodium arsanilate: Not less than 0.005 percent and not more than 0.01 percent.

(3) 3-Nitro-4-hydroxyphenylarsonic acid: Not less than 0.0025 percent and not more than 0.0075 percent except in chicken or turkey feed which shall contain not less than 0.0025 percent and not more than 0.005 percent.

(4) Furazolidone: 0.00083 percent.

(5) Furazolidone 0.00083 percent, with or without nitrofurazone 0.0056 percent, and/or 3-nitro-4-hydroxyphenylarsonic acid not less than 0.0025 percent and not more than 0.0075 percent except in chicken or turkey feed in which the limit of 3-nitro-4-hydroxyphenylarsonic acid shall be not less than 0.0025 percent and not more than 0.005 percent.

(b) It is intended for use in any one of the following conditions set forth in this paragraph:

(1)–(6) [Reserved]

(7) (i) It is intended for use solely as a treatment for complicated, chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry, and/or bacterial swine enteritis; its labeling contains adequate directions and warnings for such use; and it contains, per ton of feed, not less than 100 grams of chlortetracycline, or oxytetracycline, or a combination of such drugs, or not less than 90 grams nor more than 180 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin.

(*a*) When intended for the uses specified in this paragraph (b) (7) (i), it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid.

(*b*) If it is intended for use solely in the treatment of the diseases of chickens described in this paragraph (b) (7) (i), it contains, per ton of feed, not less than 100 grams and not more than 200 grams of chlortetracycline and it contains not less than 0.4 percent and not more than 0.8 percent of dietary calcium, then representations may be made in its labeling to the effect that the reduced amount of calcium aids in increasing the concentrations of the antibiotic in the blood of treated birds; the labeling of such medicated feed shall include that required by § 121.208 of this chapter.

(*c*) If it is intended for use solely as a treatment for bacterial swine enteritis, it may contain, per ton of feed, not less than 90 grams nor more than 270 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin, provided that its labeling bears a warning that the feed is not to be used for more than 14 days.

(ii) [Reserved]

(iii) It is also intended for use in the treatment of coccidiosis in chickens caused by *E. tenella* and *E. necatrix;* its labeling bears adequate directions and warnings for such use (including the directions and warnings required by paragraph (b) (7) (i) of this section); and it contains, per ton of feed, 200 grams

of chlortetracycline and 0.4 percent to 0.55 percent of dietary calcium.

(8)–(9) [Reserved]

(10) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, the equivalent of either 100 grams of penicillin, or not less than 100 grams and not more than 500 grams of bacitracin (as zinc bacitracin), or not less than 100 grams and not more than 200 grams of bacitracin (as bacitracin methylene disalicylate), or not less than 100 grams and not more than 500 grams of penicillin and bacitracin (as zinc bacitracin) in a combination containing not less than 50 percent nor more than 75 percent of bacitracin but in no case containing more than 125 grams of penicillin, or not less than 100 grams and not more than 200 grams of penicillin and bacitracin (as bacitracin methylene disalicylate) in a combination containing not less than 25 percent of penicillin nor less than 50 percent of bacitracin; except that, if it is intended for the treatment of bacterial swine enteritis, it contains, per ton of feed, either 100 grams of bacitracin (as zinc bacitracin or bacitracin methylene disalicylate), or 100 grams of a combination of penicillin and bacitracin (as zinc bacitracin or bacitracin methylene disalicylate), containing not less than 50 percent nor more than 75 percent of bacitracin. When intended for the uses specified in this paragraph (b)(10), it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section; *Provided, however,* That the level of antibiotic or antibiotic combination present is not greater than the minimum amount specified therefor in this paragraph (b)(10).

(11) It is intended for use solely as a treatment for bacterial swine enteritis caused by *Salmonella choleraesuis,* its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(12) [Reserved]

(13) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection) and infectious sinusitis in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 0.1 percent para-aminobenzoic acid or the sodium or potassium salt or para-aminobenzoic acid.

(14) [Reserved]

(15) It is intended for use solely as an aid in the treatment of poultry in outbreaks of fowl typhoid, pullorum, the paratyphoids, infectious arthritis due to a filterable agent, histomoniasis (blackhead), hexamitiasis, quail disease (ulcerated enteritis), paracolon infection, avian infectious hepatitis, and coccidiosis, its labeling bears adequate directions and warnings for such use; and it contains the following quantities of furazolidone, by weight of feed, for the conditions indicated:

(i) For fowl typhoid, pullorum, and the paratyphoids in birds regardless of age: 0.011 percent.

(ii) For the treatment of histomoniasis (blackhead), paracolon infection, and avian infectious hepatitis of chickens, and to lessen the morbidity in outbreaks of infectious arthritis due to a filterable agent: 0.022 percent.

(16) [Reserved]

(17) (i) It is intended for use solely as an aid in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever) in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed.

(ii) It is also intended for the treatment of the diseases of poultry specified in paragraph (b)(15) of this section; it contains one of the ingredients in the amount and under the conditions set forth in paragraph (b)(17)(i) of this section; and it contains furazolidone in the amount specified in paragraph (b)(15) of this section.

(18)–(24) [Reserved]

(25) It is a medicated cattle feed containing chlortetracycline in the amounts and for the purposes indicated in § 121.208 of this chapter, and its labeling bears adequate directions and warnings for such use.

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change, or with change is made in conformance with other provisions of § 514.9 of this chapter.

(ii) It is also intended for the prevention or treatment of the diseases specified in paragraph (b)(25) of this section. It contains diethylstilbestrol in the amount and under the conditions set forth in paragraph (b)(26)(i) of this section, and it contains the antibiotic in the amount specified in paragraph (b)(25) of this section.

(27) [Reserved]

(28) It is a medicated feed for beef cattle containing bacitracin methylene disalicylate with or without diethylstilbestrol in the amounts and for the purposes specified in § 121.252 of this chapter and its labeling bears adequate directions and warnings for such use.

(29)–(37) [Reserved]

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 7 days before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 514.9 of this chapter.

(39) It is intended for use solely as an aid in the treatment of fowl typhoid, paratyphoid, and pullorum disease in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 514.2 of this chapter, and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 514.8 of this chapter. When intended for the uses specified in this paragraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this paragraph (b)(39)) before the treated chickens or turkeys are slaughtered for human consumption.

(40)–(51) [Reserved]

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted

to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800, and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 514.9 of this chapter.

(c) It is intended for use as follows:

Product	Species	Use levels	Indications for use
1. Nicarbazin	Chickens	0.01 to 0.02 percent	For use solely in the prevention of outbreaks of coccidiosis in poultry flocks.
Procaine penicillin	do	2.4 to 50 g/ton	
2. Nicarbazin	do	0.01 to 0.02 percent	Do.
Bacitracin methylene disalicylate.	do	4 to 50 g/ton	
3. Nicarbazin	do	0.01 to 0.02 percent	For use as an aid in the prevention of coccidiosis in poultry flocks.
Bacitracin methylene disalicylate.	do	4 to 50 g/ton	
3-Nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent	
4. Nicarbazin	do	0.01 to 0.02 percent	Do.
Procaine penicillin	do	2.4 to 50 g/ton	
3-Nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent	
5. Procaine penicillin	Swine	1.5 to 7.5 g/ton	Increase rate of gain and improve feed efficiency in growing swine; aid in the prevention of bacterial swine enteritis.
Streptomycin	do	7.5 to 37.5 g/ton	
Arsanilic acid	do	45 to 90 g/ton	
6. Penicillin	Chickens and turkeys.	2.4 to 25 g/ton	For use solely as a treatment for complicated chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry; as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin; and for improving feed efficiency of chickens or turkeys.
Streptomycin	do	15 to 75 g/ton.	
7. Penicillin	Swine	5 to 25 g/ton	For use in the prevention or treatment of bacterial swine enteritis.
Streptomycin	do	15 to 75 g/ton.	
8. Furazolidone and	Chickens and turkeys.	0.011 percent	Growth promotion and feed efficiency. For prevention of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed for the first 2 weeks of the birds' life. For treatment of fowl typhoid, paratyphoid and pullorum in chickens and turkeys when fed for at least 2 weeks, except when paratyphoid is due to *S. typhimurium*. For reduction of condemnations due to chronic respiratory disease air-sac complex associated with vaccination stress, feed continuously beginning at least 1 week before vaccination. For prevention of infectious hepatitis when fed continuously during the danger period. For control of coccidiosis in chickens, caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed for 5 to 7 days or longer. For prevention of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed continuously. For prevention of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed throughout the danger period. For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed for 5 to 10 days. (NOTE.—Severe outbreaks may require twice the level specified; i.e., 0.022 percent.)
Bacitracin methylene disalicylate or—	do	4–50 g/ton	
Zinc bacitracin or Procaine penicillin.	do	2.4 to 50 g/ton	
9. Furazolidone and	Chickens and turkeys.	0.011 to 0.022 percent	Growth promotion and feed efficiency. Aid in maintenance of feed consumption and growth and reduction of mortality and morbidity due to stress; for the control of the following nonspecific conditions: chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to a filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed 5 to 10 days. Follow with preventive level to prevent recurrence.
Bacitracin methylene disalicylate or—	do	4 to 50 g/ton	
Zinc bacitracin or Procaine penicillin.	do	2.4–50 g/ton	

Product	Species	Use levels	Indications for use
10. Furazolidone and—	Chickens and turkeys.	0.22 percent	For treatment of paratyphoid due to *S. typhimurium* when fed for 2 weeks. For treatment of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed for 2 to 3 weeks (following diagnosis). For treatment of paracolon in chickens and turkeys and hexamitiasis in turkeys w en fed for 2 weeks or longer (following diagnosis). For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), mud fever and quail disease (ulcerative enteritis) when fed for 5 to 10 days. For treatment of infectious hepatitis in chickens when fed for 14 days and repeated as necessary.
Bacitracin methylene disalicylate	do	4 to 50 g/ton	
or—			
Zinc bacitracin or Procaine penicillin.	do	2.4 to 50 g/ton	
11. Chlortetracycline	Swine	10 to 50 g/ton	Enhancement of growth and feed efficiency.
Arsanilic acid	do	0.005 to 0.01 percent	As an aid in the reduction of losses due to enterotoxemia.
12. Chlortetracycline	Sheep	20 g/ton	It is intended for use as an aid in reducing the incidence of vibrionic abortion in breeding sheep; it is to be administered continuously during pregnancy.
13. Chlortetracycline	do	80 mg per head per day	As an aid in the reduction of bacterial diarrhea in dairy cattle or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) or as an aid in the prevention of foot rot in cattle.
14. Chlortetracycline	Cattle	Feed contains the following quantities of chlortetracycline, by weight, for the conditions indicated: (1) For the prevention of foot rot and as an aid in the reduction of bacterial diarrhea in dairy cattle; 0.1 mg/lb of body weight per day; and (2) as an aid in the reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) in dairy cattle: 0.1 mg/lb of body weight per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 mg per head per day.	

18. In § 558.15 by adding a new paragraph (g) to read as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals.

* * * * *

(g) The submission of applications and data required by paragraphs (a) and (b) of this section is not required for the continued manufacture of any intermediate premix which is produced solely from a premix that is in compliance with the requirements of this section: *Provided*, That the intermediate premix contains no drug ingredient whose use in or on animal feed requires an approved application pursuant to section 512(m) of the act and/or where the premix is approved by regulation in this part.

(1) The following antibacterial drug premixes manufactured by the designated sponsors are eligible for interim marketing based on their compliance with the requirements of this section:

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Commercial Solvents Corp., Thompson-Hayward Chemical Co.	Zinc bacitracin	Chickens, turkeys, swine, pheasants, and quail.	Sec. 121.233 (tables 1 and 2) of this chapter.	Sec. 121.233 (tables 1 and 2) of this chapter.
Do	do	Cattle	Sec. 121.225 of this chapter.	Sec. 121.225 of this chapter.
S. B. Penick & Co., Diamond Shamrock Chemical Co.	Bacitracin methylene disalicylate.	Chickens, turkeys, and swine.	Sec. 121.252 (tables 1 and 2) of this chapter.	Sec. 121.252 (tables 1 and 2) of this chapter.
Do	do	Cattle	Sec. 121.225 of this chapter.	Sec. 121.225 of this chapter.
Do	do	do	Sec. 121.252 (table 3) of this chapter.	Sec. 121.252 (table 3) of this chapter.
Elanco Products Co.	Hygromycin B	Chickens and swine.	Sec. 121.213 (tables 1 and 2) of this chapter.	Sec. 121.213 (tables 1 and 2) of this chapter.
Do	Tylosin	Chickens, swine, and beef cattle.	Sec. 558.625	Sec. 558.625.
Abbott Laboratories	Erythromycin	Chickens, turkeys, and swine.	Sec. 121.292 of this chapter.	Sec. 121.292 of this chapter.
The Upjohn Co	Lincomycin	Chickens	Sec. 558.325	Sec. 558.325.
Pfizer, Inc	Oleandomycin	Chickens, turkeys, and swine.	Sec. 558.435	Sec. 558.435.
Hoechst Pharmaceuticals.	Bambermycins	Chickens	Sec. 558.95	Sec. 558.95.
Elanco Products Co.	Tylosin	Swine	Sec. 558.630	Sec. 558.630.
Do	Sulfamethazine	do	do	Do.
American Cyanamid Co., Diamond-Shamrock Chemical Co., Hess & Clark, Rachelle Labs, Inc., and Vitamin Premixers of Omaha.	Chlortetracycline	Chickens, turkeys, swine, and cattle.	Sec. 121.208 (tables 1, 2, and 6) of this chapter.	Sec. 121.208 (tables 1, 2, and 6) of this chapter.
			Sec. 121.225 of this chapter.	Sec. 121.225 of this chapter.
Merck Sharp & Dohme Research Labs.	Procaine penicillin.	Chickens, turkeys, swine, pheasant, and quail.	Sec. 121.256 (tables 1 and 2) of this chapter.	Sec. 121.256 (tables 1 and 2) of this chapter.
			Sec. 121.225 of this chapter.	Sec. 121.225 of this chapter.
E. R. Squibb & Sons, Inc.	do	do	do	Do.
Merck Sharp & Dohme Research Labs.	Sulfaquinoxaline	Chickens	Continuously, 0.0125 to 0.025 percent.	Aid in prevention of coccidiosis due to *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. maxima.*
Do	do	Turkeys	Continuously, 0.0175 percent.	Aid in the prevention of coccidiosis due to *Eimeria meleagrides, E. meleagrimites* and *E. adenoides.*
Do	do	Rabbits	Continuously, 0.025 percent.	Aid in prevention of coccidiosis due to *Eimeria stirdae, E. perforans.*
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline	Chickens and turkeys.	Sec. 121.251 (table 1) of this chapter.	Sec. 121.251 (table 1) of this chapter.
Do	do	Swine (10 to 30 lb)	25 to 50 g/ton	To increase rate of gain and improve feed efficiency.
Do	do	Swine (30 to 200 lb).	7½ to 10 g/ton	Do.
Do	do	Swine	50 g/ton	As an aid in the prevention of bacterial enteritis, also known as scours, baby pig diarrhea, vibrio dysentery, bloody dysentery, and salmonellosis (necro or necrotic enteritis).
Do	do	do	100 g/ton	As an aid in the treatment of bacterial enteritis, also known as scours, baby pig diarrhea, vibrio dysentery, bloody dysentery, and salmonellosis (necro or necrotic enteritis).
Do	do	do	50 to 150 g/ton	As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis.
Do	do	do	500 g/ton	In presence of porcine leptospirosis reduces instances of abortion, gives higher survival rate, heavier and healthier newborn pigs, reduces urinary shedding of leptospirae and aids in maintenance of normal weight gains and feed consumption. Feed 7 to 14 days, approximately 1 month before farrowing.
Do	do	Calves	0.05 to 0.1 mg/lb of body weight daily or 25 to 75 mg per head daily.	To increase rate of gain and improve feed efficiency.

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Pfizer Inc., and Vitamin Premixers of of Omaha—Con.	Oxytetracycline	Calves	0.5 mg/lb of body weight daily or in complete feed at 50 g/ton.	As an aid in the prevention of bacterial diarrhea.
Do	do	do	0.5 to 5.0 mg/lb of body weight daily or complete feed at 50 g/ton.	As an aid in the treatment of bacterial diarrhea.
Do	do	Cattle	75 to 80 mg per head daily.	As an aid in reducing incidence and severity of bloat. As an aid in reducing incidence and severity of liver abscesses (for cattle weighing over 400 lb). To increase rate of gain and improve feed efficiency. As an aid in increasing milk production in lactating dairy cows.
Do	do	do	0.1 to 0.5 mg/lb of body weight daily.	As an aid in the prevention of bacterial diarrhea.
Do	do	do	0.5 to 5.0 mg/lb of body weight daily.	As an aid in the treatment of bacterial diarrhea, also known as scours.
Do	do	do	0.5 to 2.0 g per head daily.	For the prevention and treatment of the early stages of shipping fever complex. Oxytetracycline is effective prophylaxis when fed 3 to 5 days preceding shipment and/or 3 to 5 days following arrival in feed-lots. For treatment of shipping fever, these levels should be fed at onset of the disease symptoms until symptoms disappear.
Do	do	Sheep	10 to 20 g/ton	To increase rate of gain and improve feed efficiency during finishing period.
Do	do	do	50 g/ton	As an aid in the prevention of bacterial diarrhea, also known as scours, lamb dysentery, and white scours of lambs.
Do	do	do	100 g/ton	As an aid in the treatment of bacterial diarrhea, also known as scours, lamb dysentery, and white scours of lambs.
Do	do	do	25 mg per head daily.	As an aid in reduction of losses due to enterotoxemia, also known as overeating disease.
Pfizer, Inc	Penicillin	Chickens, turkeys, and swine.	Secs. 121.225, 121.256, and 510.515 of this chapter.	Secs. 121.225, 121.256, and 510.515 of this chapter.
Do	Penicillin and streptomycin.	do	do	Do.
American Cyanamid Co.	Chlortetracycline	Cattle	Sec. 121.208 (table 6) of this chapter.	Sec. 121.208 (table 6) of this chapter.
Do	Sulfamethazine	do	do	Do.
Norwich Pharmacal	Nitrofurazone	Swine	0.055 percent (500 g/ton).	Treatment of necrotic enteritis caused by *S. choleraesuis*.
Merck Sharp & Dohme Research Labs.	Procaine penicillin and streptomycin sulfate.	Secs. 121.225 and 121.256 of this chapter.	Secs. 121.225 and 121.256 of this chapter.	Secs. 121.225 and 121.256 of this chapter.
Abbott Laboratories	Erythromycin	Cattle	37 mg per head per day.	Sec. 121.225 of this chapter.
Hoffman-LaRoche, Inc.	Sulfadimethoxine and ormetoprim.	Chickens and turkeys.	Sec. 558.575	Sec. 558.575.
Pfizer, Inc	Oxytetracycline and neomycin.	Chickens, turkeys, swine, and calves.	As provided in paragraph (g)(2) of this section.	As provided in paragraph (g)(2) of this section.
American Cyanamid Co. and Rachelle Labs, Inc.	Chlortetracycline, sulfamethazine, and penicillin.	Swine	do	Do.
Diamond Shamrock Chemical Co.	Chlortetracycline, sulfathiazole, and penicillin.	do	do	Do.

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Hess & Clark and Norwich Pharmacal Co.	Furazolidone	Chickens and turkeys.	0.00083 to 0.0011 percent (7½ to 10 g/ton).	To stimulate growth and improve feed efficiency of chickens and turkeys when fed continuously.
Do	do	do	0.0055 percent (50 g/ton).	For prevention of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed continuously in birds older than 2 weeks of age. For aid in prevention of coccidiosis in chickens caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed continuously.
Do	do	do	0.0055–0.011 percent (50–100 g/ton).	Aid in maintenance of feed consumption and growth and reduction of morbidity and mortality due to stress and the following nonspecific conditions. Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed continuously prior to or throughout the danger period and during times of stress.
Do	do	do	0.011 percent (100g/ton).	For prevention of fowl typhoid, paratyphoid and pullorum in chickens and turkeys when fed for the first 2 weeks of the birds' life and followed continuously thereafter by ½ this level (i.e., 0.0055 percent). For treatment of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed for at least 2 weeks except when paratyphoid is due to *S. typhimurium*.
Do	do	do	do	For reduction of condemnations due to chronic respiratory disease air-sac complex associated with vaccination stress, feed continuously beginning at least 1 week before vaccination. For prevention of infectious hepatitis when fed continuously during the danger period. For control of coccidiosis in chickens caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed for 5 to 7 days or longer and followed by ½ this level (i.e., 0.0055 percent) for 2 weeks to aid in preventing recurrence.
Do	do	do	do	For prevention of black head (histomoniasis, enterohepatitis) in chickens and turkeys when fed continuously. For prevention of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed throughout the danger period. For control of chronic respiratory diseas (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed for 5 to 10 days and followed with ½ this level (i.e., 0.0055 percent) to aid in preventing recurrence. (NOTE.—Severe outbreaks may require twice the level specified; i.e., 0.022 percent).

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Hess & Clark and Norwich Pharmaceal Ch. Con.	Furazolidone	Chic'ens and turkeys	0.011 to 0.022 percent (100 to 200 g/ton).	Aid in maintenance of feed consumption and growth, and reduction of mortality and morbidity due to stress; for the control of the following nonspecific conditions: Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to a filterable agent), (blue comb, mud fever), and quail disease (ulcerative enteritis) when fed 5 to 10 days. Follow with preventive level to prevent recurrence.
Do	do	do	0.022 percent (200 g/ton .	For treatment o paratyphoid due to *S. typhimurium* when fed for 2 weeks. For treatment of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed for 2 to 3 weeks (following diagnosis). For treatment of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed for 2 weeks or longer (following diagnosis). For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever), and quail disease (ulcerative enteritis) when fed for 5 to 10 days and followed with ½ this level (i.e., 0.0055 percent) to aid in preventing recurrences. For treatment of infectious hepatitis in chickens when fed for 14 days and repeated as necessary.
Do	do	Swine	Sec. 121.255 of this chapter.	Sec. 121.255 of this chapter.
Do	Nitrofurazone	Chickens	0.0055 percent (50g/ton).	Aid in prevention of coccidiosis when fed continuously.
Do	do	Turkeys	do	As an aid in controlling losses due to secondary bacterial invasions concurrent with coccidiosis outbreaks when fed continuously throughout the danger period.
Do	Nihydrazone	Chickens	Sec. 121.237 of this chapter.	Sec. 121.237 of this chapter.

(2) The following is a list of drug combinations permitted when prepared from antibacterial drug premixes listed in paragraph (g)(1) of this section. Drug combinations listed in Subpart B of this part name their sponsors and are incorporated herein by reference since they are safe and effective by contemporary standards, or such sponsors have been notified of any additional safety or efficacy data required on an individual basis:

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Diamond Shamrock Chemical Co.	Chlortetracycline	Swine	10 to 50 g/ton	Enhancement of growth and feed efficiency.
Do	Arsanilic acid	do	0.005 to 0.01 percent.	Do.
American Cyanamid Co.	Chlortetracycline and sulfamethazine.	Cattle	Sec. 121.208 (table 6) of this chapter.	Sec. 121.208 (table 6) of this chapter.
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline	Chickens	50 g/ton	Prevention of diseases from oxytetracycline susceptible organisms during periods of stress. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	
Do	Oxytetracycline	Chickens (1st 2 weeks).	50 to 100 g/ton	Prevention of early chick mortality due to oxytetracycline-susceptible organisms. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	Chickens	50 to 100 g/ton	To extend period of high egg production, to improve feed efficiency, to improve egg production and feed efficiency in presence of disease and at time of stress: As an aid in maintaining and improving hatchability where birds are suffering stress from moving, vaccinations, culling, extreme temperature changes, and worming; to improve livability of progeny when losses are due to oxytetracycline-susceptible organisms, to improve egg shell quality, prevention of blue comb (mud fever or nonspecific enteritis). As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or non specific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	do	100 to 200 g/ton	Prevention of complicated chronic respiratory disease (air-sac infection) and control of complicated chronic respiratory disease by lowering mortality and severity during outbreaks. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Pfizer, Inc	Oxytetracycline	Turkeys	50 g/ton	As an aid in the prevention of disease from oxytetracycline-susceptible organisms during periods of stress. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Pfizer, Inc.....Con.	Neomycin base	do	35 to 140 g/ton	
Do	Oxytetracycline	do	50 to 100 g/ton	To extend period of high egg production, to improve egg production, to improve feed efficiency, to improve fertility, to improve egg production and feed efficiency in presence of disease and time of stress; as an aid in maintaining and improving hatchability where birds are suffering from stress, exposure, moving, vaccination, culling, extreme losses due to oxytetracycline-susceptible organisms, and t improve egg shell quality prevention of hexamitiasis As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	Turkeys (first 4 weeks).	50 to 100 g/ton	As an aid in the prevention of early poult mortality due to oxytetracycline-susceptible organisms. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	do	100 to 150 g/ton	As an aid in reducing mortality in birds which have suffered an attack of airsacculitis (it is recommended, wherever possible, to feed from time of attack to marketing).
Do	Neomycin base	do	35 to 100 g/ton	Do.
Do	Oxytetracycline	Turkeys	100 to 150 g/ton	As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 100 g/ton	Do.
Do	Oxytetracycline	do	100 to 200 g/ton	Control of blue comb (mud fever or nonspecific enteritis), infectious sinusitis and hexamitiasis, prevention of infectious synovitis. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	do	200 g/ton	Control of infectious synovitis. For the treatment of bacterial enteritis and blue comb (mud fever or nonspecific enteritis).
Do	Neomycin base	do	70 to 140 g/ton	Do.
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline	Swine	50 g/ton	As an aid in the prevention of bacterial enteritis (scours), baby pig diarrhea (in baby pigs only), vibrionic dysentery, bloody dysentery and salmonellosis (necro or necrotic enteritis).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	do	50 to 150 g/ton	As an aid in the maintenance of weight gains and feed consumption in the presence of atrophic rhinitis. As an aid in the treatment of bacterial enteritis.
Do	Neomycin base	do	70 to 140 g/ton	Do.
Pfizer, Inc	Oxytetracycline	Calves	50 g/ton	As an aid in the prevention of bacterial enteritis (scours).
Do	Neomycin base	do	35 to 140 g/ton	Do.
Do	Oxytetracycline	do	100 g/ton	As an aid in the treatment of bacterial enteritis (scours).
Do	Neomycin base	do	70 to 140 g/ton	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Pfizer, Inc.—Con.	Oxytetracycline	Calves	8 to 100 mg/gal reconstituted milk replacer.	As an aid in the prevention of bacterial diarrhea (scours).
Do	Neomycin base	do	100 to 200 mg/gal reconstituted milk replacer.	Do.
Do	Oxytetracycline	do	40 to 200 mg/gal reconstituted milk replacer.	Do.
Do	Neomycin base	do	200 to 400 mg/gal reconstituted milk replacer.	Do.
The Upjohn Co	Lincomycin, amprolium, and ethopabate.	Chickens	Secs. 558.325 and 121.210 of this chapter.	Secs. 558.325 and 121.210 of this chapter.
Do	Lincomycin and zoalene.	do	Secs. 558.325 and 121.207 of this chapter.	Secs. 558.325 and 121.207 of this chapter.
Do	Lincomycin, amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid.	do	Secs. 558.325 and 121.210 and 121.262 of this chapter.	Secs. 558.325 and 121.210 and 121.262 of this chapter.
Do	Lincomycin, monensin, and 3-nitro-4-hydroxyphenylarsonic acid.	do	Secs. 558.325 and 558.355 and 121.262 of this chapter.	Secs. 558.325 and 558.355 and 121.262 of this chapter.
Merck Sharp & Dohme Research Labs. and Pfizer, Inc.	Procaine penicillin.	Chickens and turkeys.	2.4 to 7.5 g/ton	Sec. 121.225(a)(3)(iii) of this chapter.
Do	Streptomycin	do	12.0 to 37.5 g/ton	Do.
Do	Procaine penicillin.	Chickens	3.75 to 7.5 g/ton	Do.
Do	Streptomycin	do	18.75 to 37.5 g/ton	Do.
Do	Procaine penicillin.	do	3.75 to 30 g/ton	Sec. 121.256 (table 1) of this chapter.
Do	Streptomycin	do	18.75 to 150 g/ton	Do.
Do	Procaine penicillin.	Turkeys	15 to 30 g/ton	Do.
Do	Streptomycin	do	75 to 150 g/ton	Do.
Do	Procaine penicillin.	Chickens	2.4 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Do	Procaine penicillin.	Swine	1.5 to 7.5 g/ton	Sec. 121.225(a)(3)(iv) of this chapter.
Do	Streptomycin	do	7.5 to 37.5 g/ton	Do.
Do	Procaine penicillin.	do	7.5 to 45 g/ton	Sec. 121.256 (table 2) of this chapter.
Do	Streptomycin	do	37.5 to 225 g/ton	Do.
Do	Procaine penicillin.	do	5 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Merck Sharp & Dohme Research Labs.	Procaine penicillin.	do	1.5 to 7.5 g/ton	Do.
Do	Streptomycin	do	7.5 to 37.5 g/ton	Do.
Do	Arsanilic acid	do	45 to 90 g/ton	Do.
Do	Nicarbazin	Chickens	0.01 to 0.02 percent.	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Nicarbazin	do	0.01 to 0.02 percent.	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Nicarbazin	do	0.01 to 0.02 percent.	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent.	Do.
Do	Nicarbazin	do	0.01 to 0.02 percent.	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.025 percent.	Do.
Do	Amprolium	Chickens and turkeys.	0.0125 to 0.025 percent.	Sec. 121.210 of this chapter.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	Chickens	0.0125 to 0.025 percent.	Do.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Secs. 121.210 and 121.262 of this chapter.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent.	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Merck Sharp & Dohme Research Labs.—Con.	Amprolium	Chickens and turkeys.	0.004 to 0.025 percent.	Sec. 121.210 of this chapter.
Do	Procaine penicillin	do	2.4 to 50 g/ton	Do.
Do	Amprolium	Chickens	0.004 to 0.025 percent.	Secs. 121.210 and 121.262 of this chapter.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent.	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Sec. 121.210 of this chapter.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Arsanilic acid	do	0.01 percent	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Arsanilic acid	do	0.01 percent	Do.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Amprolium	do	0.0125 percent	Do.
Do	Ethopabate	do	0.004 percent	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	do	0.0125 percent	Do.
Do	Ethopabate	do	0.004 percent	Do.
Do	Bacitracin methylene disalicylate.	do	5 to 35 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.00375 percent	Do.
Commercial Solvents Corp.	Zinc bacitracin	do	4 to 50 g/ton	Prevention of coccidiosis. Growth promotion and feed efficiency. Sec. 121.233 of this chapter.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Prevention of coccidiosis. Growth promotion and feed efficiency. Improving pigmentation. Sec. 121.233 of this chapter.
Do	Amprolium	do	0.0125 to 0.025 percent.	Do.
Do	Ethopabate	do	0.0004 percent	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent.	Do.
Do	Zinc bacitracin	Swine	10 to 50 g/ton	Increased rate of weight gain and improved feed efficiency.
Do	Arsanilic acid	do	0.005 to 0.01 percent.	Do.
Merck Sharp & Dohme Research Labs.	Amprolium	do	0.0125 to 0.025 percent.	Secs. 121.210 and 121.262 of this chapter.
Do	Ethopabate	do	0.0004 percent	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 percent.	Do.
Pfizer, Inc	Penicillin	Chickens and turkeys.	2.4 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Do	Penicillin	Swine	5 to 25 g/ton	Do.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Dow Chemical Co	Zoalene	Chickens	0.0125 percent	Sec. 121.207 of this chapter.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 percent	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 percent	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Dow Chemical Co.—Con.	Zoalene	Chickens	0.0125 percent	Do.
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 percent	Do.
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	Arsanilic acid	do	0.01 percent	Do.
Do	Bacitracin methylene disalicylate or zinc bacitracin.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 percent	Do.
Do	Arsanilic acid	do	0.01 percent	Do.
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.004 to 0.0125 percent.	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.004 to 0.0125 percent.	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 percent	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Norwich Pharmacal Co.	Furazolidone	Swine	0.022 percent (200 g/ton).	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication when fed in prestarters, starters, and growing rations to baby pigs and growing swine for 2 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis.
Do	Oxytetracycline	do	50 to 150 g/ton	Do.
Do	Furazolidone	do	0.011 percent (100 g/ton).	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication when fed in prestarters, starters, and growing rations to baby pigs and growing swine for 5 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis. Growth promotion and feed efficiency.
Do	Oxytetracycline	do	50 to 100 g/ton	Do.
Do	Arsanilic acid	do	0.005 to 0.01 percent.	Do.
Do	Furazolidone and	Chickens and turkeys.	0.011 to 0.022 percent (100 to 200 g/ton).	Sec. 510.515 of this chapter.
Do	Bacitracin methylene disalicylate or—	do	4 to 50 g/ton	Do.
Do	Zinc bacitracin or Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Nihydrazone	Chickens	0.011 percent (100 g/ton).	Sec. 121.237 of this chapter.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Nihydrazone	do	0.011 percent (100 g/ton).	Do.
Do	Chlortetracycline	do	10 to 50 g/ton	Do.
Do	Nihydrazone	do	0.011 percent (100 g/ton).	Sec. 121.237 of this chapter.
Do	Bacitracin methylene disalicylate or zinc bacitracin.	do	4 to 50 g/ton	Do.
Do	Furazolidone	Swine	0.011 percent (100 g/ton).	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery growth promotion while on medication and when fed in prestarters, starters, and growing swine for 5 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis.
Do	Oxytetracycline	do	50 to 150 g/ton	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Norwich Pharmacal Co.—Con.	Furazolidone	Swine	0.0165 percent (150 g/ton).	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication and when fed in prestarters, starters, and growing swine for 3 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis.
Do	Oxytetracycline	do	50 to 150 g/ton	Do.
Do	Furazolidone	do	0.0165 percent (150 g/ton).	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication when fed in prestarters, starters, and growing rations to baby pigs and growing swine for 3 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis. Growth promotion and feed efficiency.
Do	Oxytetracycline	do	50 to 100 g/ton	Do.
Do	Arsanilic acid	do	0.005–0.01 percent	Do.
Do	Furazolidone	do	0.022 percent	Prevention of bacterial enteritis (necrotic enteritis, necro) and virbrionic (bloody) dysentery; growth promotion while on medication when fed in prestarters, starters, and growing rations to baby pigs and growing swine for 2 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis. Growth promotion and feed efficiency.
Do	Oxytetracycline	do	50 to 100 g/ton	Do.
Do	Arsanilic acid	do	0.005 to 0.01 percent.	Do.
Whitmoyer Labs. Inc.	Carbarsone and bacitracin.	Turkeys	Sec. 121.310 of this chapter.	Sec. 121.310 of this chapter.

§ 558.19 [Revoked]

19. By revoking § 558.19 *Combination antibiotic drugs in animal feeds no longer sanctioned* and reserving it.

§ 558.35 [Amended]

20. In § 558.35 *Aklomide* by revoking paragraph (g) (5), (6), (7), and (8).

§ 558.505 [Amended]

21. In § 558.505 *Reserpine* by revoking paragraph (g) (2), (3), and (4) and reserving them.

§ 558.625 [Amended]

22. In § 558.625 *Tylosin* by revoking paragraph (f) (1) (iii) (*b*) and reserving it.

Effective date. This regulation shall be effective on March 26, 1976.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a)))

Dated: February 2, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-5221 Filed 2-24-76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 25, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low Income Public Housing Office

■

Loans for Housing for the Elderly or Handicapped

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME PUBLIC HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-332]

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

The Department of Housing and Urban Development (HUD) published on August 20, 1975, at 40 FR 36536 an amendment to Title 24 which added a new Part 885 entitled, "Construction Loans for Housing for the Elderly or Handicapped."

The publication of the final rule provided only for a program of direct construction loans to be provided by HUD. Subsequently, the HUD-Independent Agencies Appropriations Act—FY 1976 was enacted and HUD determined that in accordance with that Act, a program of providing long term financing should be implemented. In accordance with that Act, the Department published notice on November 25, 1975, at 40 FR 54734 that it was proposing to amend Part 885 to provide a program of both construction and long term financing for projects for the elderly or handicapped. Other amendments made herein are intended solely to clarify certain provisions contained in the final regulations of August 20, 1975.

Part 885 sets forth the substantive requirements and procedures for obtaining direct Federal loans pursuant to Section 202 of the Housing Act of 1959, 12 U.S.C. 1701q, as amended by the Housing and Community Development Act of 1974, for the development of housing and related facilities, as defined therein. A loan made pursuant to this Part shall be used only to finance the construction or substantial rehabilitation of projects for the elderly or handicapped which meet the requirements of, and which will receive the benefit of, housing assistance payments under the Section 8 program. (See 24 CFR Parts 880 and 881, 40 FR 18682 and 18902, April 29, 1975 and April 30, 1975.)

In general, this part describes the method by which an Applicant would seek to obtain direct HUD loans for the construction or rehabilitation of proposed housing projects for the elderly or handicapped, describes the factors upon which HUD's consideration will be based, explains the steps to be taken by both HUD and the Applicant as the request progresses to the point of actual loan disbursement, describes the various obligations of the principals, including HUD, both in the construction and permanent financing phases, and relates the requirements of the Section 202 Program to those of the Section 8 Program.

The basic approach in administering the Section 202 Program is as follows:

Central Office will issue invitations to private nonprofit Applicants to participate in the program. Eligible Applicants will be required to submit information on their capacity and experience and to identify the States in which they intend to construct or substantially rehabilitate housing under the Section 8 program for the elderly or handicapped and whether in a metropolitan or non-metropolitan area; they need not identify the specific site or location in that State(s) at which they expect to build.

The HUD Central Office will make a geographic allocation of the available Section 202 funds among the ten HUD Regions, and between metropolitan and non-metropolitan areas.

A Central Office evaluation committee, composed of Central Office and Field Office staff, will evaluate the responses to the invitations and rank each nonprofit Applicant in terms of its capacity and experience. The selection of Applicants will include the designation of the Region(s) in which those Applicants may utilize the Section 202 funds, and whether in metropolitan or non-metropolitan area(s).

Section 202 funds will be reserved for successful Applicants. This fund reservation assures a successful Applicant of Section 202 financing for use in a designated Region, provided the Applicant's project is approved by the appropriate Field Office for assistance under the Section 8 program Regulations.

Section 8 funds sufficient to subsidize rentals in a project of the size contemplated by the Section 202 fund reservation will be set aside for use by the nonprofit Applicant.

The Applicant will submit a Section 8 assistance proposal for a specifically identified project and site to the appropriate HUD Field Office.

The preliminary and final proposals will be processed by the Field Office under the usual rules for Section 8 new construction or substantial rehabilitation, except that there will be no requirement of advertising for Applicant selection. The Applicant's Section 8 proposal will, however, be evaluated by the Field Office and will be subject to Section 213 local government review requirements. (See Section 213, Housing and Community Development Act of 1974).

Once the Section 8 final proposal is approved and the Applicant/Borrower is ready to commence construction or rehabilitation, disbursement of the Section 202 loan may commence.

In response to the November 25, 1975, notice of proposed rule making, the Department received 27 responses. All of the comments were carefully reviewed and considered by HUD and, based upon such comments, certain changes have been made to the proposed regulations, as set forth below. A discussion of the major changes and more significant comments follows:

1. Several comments recommended that the definition of "Applicant" be expanded to include public agencies. At the present time, HUD does not consider that public agencies have a need for direct construction and long term financing as severe as that of private nonprofit applicants. Further, the HUD Independent Agencies Appropriation Act (Pub. L. 94-116) limits the loan funds made available for fiscal year 1976 to qualified nonprofit sponsors. We have clarified the definition of "Applicant" in § 885.5 to expressly exclude public agencies or their instrumentalities from participating in the program.

Nevertheless, public agencies may provide management services pursuant to a contract between the public agency and the "Borrower".

2. The definition of "Housing and Related Facilities" in § 885.5 has been modified to clarify the types of housing structures eligible for Section 202 direct loan funds. Only structures constructed or substantially rehabilitated as permanent residences are eligible for Section 202 direct loans, and such loans are not available to finance the construction of nursing homes, hospitals, or intermediate and transitional care facilities.

3. A comment that the definition of "Applicant" be modified so that direct loans can be made to a legally operating charity with a deferred giving program has not been accepted since such a transaction is not per se ineligible, and therefore must be on a case by case basis.

4. The definition of "Substantial Rehabilitation" in § 885.5 has been modified because the previous definition would permit projects to qualify as substantial rehabilitation even if all they needed was cosmetic improvements coupled with the cure of an accumulation of deferred maintenance. We believe for the purpose of the Section 202 program Congress intended the rehabilitation to be more extensive than permitted by the old definition.

5. Section 885.205(b) has been modified to clarify that the 300 unit limitation means that under one invitation no single Applicant shall, either as Applicant or Co-Applicant, apply for or receive a reservation of funds for more than 300 units in any one region and that this limitation shall apply to all Co-Applicants, whether or not they are otherwise affiliated with each other. Affiliated Entities who submit separate applications shall be deemed to be a single entity for purposes of the 300 unit limitation. "Affiliated Entities" are defined in § 885.5.

6. Some comments suggested that HUD's criteria for approval of requests for Section 202 fund reservations (§ 885.210) places excessive emphasis on an Applicant's prior experience in the production of housing, to the detriment of a new Applicant without a history or proven track record. The stated criteria are not intended to favor or give undue weight to past experience, or any other factor.

7. A comment was received urging that the 18-month period afforded under § 885.220 for commencement of construction or substantial rehabilitation be shortened. Based upon prior HUD-FHA multifamily experience, HUD considers an 18-month period is a reasonable and appropriate period of time.

8. One comment suggested that requests pertaining to units to be built in non-metropolitan areas be evaluated separately from those pertaining to units to

be built in metropolitan areas and that specific and distinct criteria be established in § 885.210 for evaluating requests involving units to be built in non-metropolitan areas. This suggestion was not adopted since HUD considers the allocation of Section 202 funds in accordance with the requirements of Section 213(d) of the Housing and Urban Development Act of 1974 (See § 885.200), assures an evaluation of request involving units to be located in non-metropolitan areas as a distinct class.

9. Some comments suggested that the Developer's Packet provided under § 885.305 include historic preservation requirements applicable to properties listed in or eligible for listing in the National Register of Historic Property. HUD considers that these requirements are adequately covered in Section 8 or other applicable regulations and statutes.

10. One comment argued that Section 202 project mortgage limits in § 885.510 which are based on the Section 231 limits are too low, and that, in the alternative, HUD should consider using the mortgage limits applicable under Section 220 or public housing prototype cost. This comment was not adopted since HUD considers that the Section 231 limits are adequate to permit construction under this program.

11. A comment that HUD's allowance to cover administrative costs and probable losses in § 885.410(b)(3) be lowered has not been adopted. HUD considers this fee to be reasonable since, among other things, all mortgage servicing and underwriting will be done by the Department.

12. Several comments suggested that a lump sum contract be permitted in § 885.415(n) or that it be permitted for cooperative projects where there is no identity of interest between the mortgagor and contractor. These comments also suggested that HUD eliminate the requirement of cost certification of the builder when a lump-sum form of construction contract is utilized. From our experience, we consider the cost plus type contract with an upset price as offering the most advantage and protection in these nonprofit transactions. There is nothing in the construction of a cooperative project which warrants a special exception for them in this matter. Insofar as special advantages built into the lump sum contract, there is nothing to preclude such language being put into cost plus contracts. The comments suggesting elimination of cost certification were not accepted since § 885.415(n) does not presently permit the use of lump-sum construction contracts.

13. Numerous comments were received arguing that the Regulations eliminate the participation of the private mortgage industry as the vehicle for the disbursement of Section 202 funds. As a point of clarification, § 885.420(a) permits HUD to advance loan proceeds directly to the Borrower and may be made through an approved lender, mortgage servicer or other agent satisfactory to the Borrower and HUD. If a need is determined and it is deemed practical, HUD will consider using the services of the private mortgage industry in this capacity. Nothing herein precludes the involvement of the private mortgage industry as consultants to Section 202 sponsors. Indeed, the use of Section 8 with the new 202 program will require considerably more analysis on the part of the Applicant of the entire transaction than was necessary in the old 202 program. Analysis of the relationships the Section 8 Fair Market Rents (FMR's) have to the 202 loan and the development costs, expense projections, and construction administration will all be necessary to develop a good project. The expertise and experience of the private mortgage industry can be a very valuable tool in this capacity.

14. Because of confusion in the applicability of the minimum capital investment requirement to projects which receive Section 106(b) loan funds, § 885.410(d) has been modified to disallow the use of Section 106(b) proceeds to meet the minimum capital investment requirement. Since Section 106(b) loans are made to cover preliminary development costs and must be repaid at the time of disbursement of Section 202 funds, HUD considers the use of those funds for the minimum capital investment as inappropriate.

15. Certain Equal Opportunity provisions have been revised due to changes in HUD Equal Opportunity Certification procedures. HUD has developed a single certification form for each HUD-assisted housing program, with such form referencing all of the Civil Rights laws and Section 3 of the Housing and Urban Development Act of 1968. Those sections affected are §§ 885.305(c)(1) and 885.310(i), which have been revised and § 885.305(c)(2) has been deleted.

16. A comment that Invitations for Section 202 requests also be published in local newspapers was not accepted because the regulations permit such publication if the Assistant Secretary finds a need.

The Department has determined that this final rule will not have a significant impact upon the quality of the environment. A Finding of Inapplicability has been prepared in accordance with HUD Handbook 1390.1. A copy of such Finding may be inspected at Room 10245, Department of Housing and Urban Development, Washington, D.C. 20410. Accordingly, Part 885 of Chapter VIII of Title 24, Loans for Housing for the Elderly or the Handicapped is amended to read as follows:

Subpart A—General Policy

885.1 Purpose and policy.
885.3 Applicability of Parts 880 and 881.
885.5 Definitions.

Subpart B—Allocation of Section 202 Loan Fund Reservations

855.200 Geographic distribution of Section 202 Loan Fund Authority.
885.205 Invitations for requests for Section 202 Fund Reservations.
885.210 Contents of requests for Fund Reservations.
885.215 Approval of requests for Fund Reservations.
885.220 Duration of Section 202 Fund Reservations.

Subpart C—Applicable Procedures Under Section 8

885.300 Additional Allocation of Section 8 Contract Authority to Field Offices.
885.305 Developer's Packet.
885.310 Submission of Preliminary Proposals.
885.315 Screening and Evaluation of Preliminary Proposals.

Subpart D—Direct Loan Financing Procedures

885.400 Requests for direct loan financing.
885.405 Approval for requests for financing.
885.410 Amount and terms of financing.
885.415 Requirements prior to initial disbursement of loan.
885.420 Loan disbursement procedures.
885.425 Completion of construction or substantial rehabilitation, cost certification and approvals by HUD.

AUTHORITY: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d).

Subpart A—General Policy

§ 885.1 Purpose and policy.

(a) *Purpose.* The purpose of the program described in this part is to provide direct Federal loans under Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q, for housing projects to serve elderly and handicapped families and individuals. The housing projects are to be designed to provide, or management plans shall include, an assured range of necessary services for the occupants, which services may include, among others, health, continuing education, welfare, informational, recreational, homemaker, counseling, and referral services, as well as transportation where necessary to facilitate access to social services, and services designed to encourage and assist occupants to use the services and facilities made available.

(b) *General policy.* A loan made pursuant to this part shall be used to finance the construction or substantial rehabilitation of projects which meet the requirements of, and which will receive the benefit of, housing assistance payments under the Section 8 Housing Assistance Payments Program New Construction (24 CFR Part 880) or the Section 8 Housing Assistance Payments Program, Substantial Rehabilitation (24 CFR Part 881).

§ 885.3 Applicability of Parts 880 and 881.

To determine whether a project for which a direct loan is requested under this part complies with the requirements of the Section 8 Housing Assistance Payments Program—New Construction or Section 8 Housing Assistance Payments Program—Substantial Rehabilitation, the provisions of Parts 880 and 881 of this chapter shall apply to the extent that such provisions are inconsistent with the provisions of Subparts C and D of this part.

§ 885.5 Definitions.

As used in this part—

Act means Section 202 of the Housing Act of 1959, as amended 12 U.S.C. 1701q.

Affiliated Entities means entities that the Assistant Secretary determines to be related to each other in such a manner

that it is appropriate to treat them as a single entity. Such relationship shall include any identity of interest among such entities or their principals and the use by any otherwise unaffiliated entities of a single Borrower or of Borrowers that have any identity of interest themselves or their principals.

Applicant means any private nonprofit corporation, no part of the net earnings of which inures to the benefit of any private shareholder, contributor or individual and which is not controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom, or a nonprofit consumer cooperative which is not controlled by, or under the direction of, persons or firms seeking to derive profit or gain therefrom, and which is approved by the Secretary as to administrative and financial capacity and responsibility. "Applicant" does not mean a public body or the instrumentality of any public body. The purposes of the Applicant must include the promotion of the welfare of elderly or handicapped families.

Assistant Secretary means the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.

Borrower means a private nonprofit corporation or a nonprofit consumer cooperative, which may be established by the Applicant, which will obtain a Section 202 loan and execute a mortgage in connection therewith as the legal owner of the project. "Borrower" does not mean a public body or the instrumentality of any public body. The purposes of the Borrower must include the promotion of the welfare of elderly or handicapped families. No part of the net earnings of the Borrower may inure to the benefit of any private shareholder, contributor or individual and the Borrower may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The "Borrower" may also be the "Applicant".

Construction means the erection or substantial rehabilitation of structures for Housing and Related Facilities.

Development Cost means the cost of construction or substantial rehabilitation of Housing and Related Facilities, and of the land on which they are located, including necessary site improvements and such other expenses as may be determined by the Assistant Secretary to be properly attributable to the capital cost of the construction or substantial rehabilitation or development of the Housing and Related Facilities.

Elderly or Handicapped Families means (a) families of two or more persons the head of which (or his spouse) is sixty-two years of age or over or is handicapped, or (b) a single person who is sixty-two years of age or over or who is handicapped.

Field Office means any HUD Area, Insuring or Regional Office which is delegated authority to process applications under the Section 8 Program.

Handicapped Person means any person having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his (or her) ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered handicapped if he (or she) has a disability attributable to mental retardation, cerebal palsy, epilepsy, or another neurological condition found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

Housing and Related Facilities means rental or cooperative housing structures constructed or substantially rehabilitated as permanent residences for use by elderly or handicapped families, and includes structures suitable for use by families residing in the project or in the area as cafeterias or dining halls, community rooms or buildings, and workshops or other essential service facilities. "Housing and Related Facilities" does not include nursing homes, hospitals or intermediate and transitional care facilities.

Region means any one of the ten HUD Regions.

Section 8 Program means the Housing Assistance Payments Program—New Construction or Substantial Rehabilitation under Parts 880 and 881 of this chapter, which implement Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

Substantial Rehabilitation shall mean a property will be considered substantially rehabilitated when its condition is improved from deteriorated and substandard to good condition. Substandard or deteriorated properties are those which, while structurally sound, do not provide safe and adequate shelter, and in their present condition endanger the health, safety or well-being of the occupants. Substantial Rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part (e.g., conversion of a hotel to housing for the elderly).

Subpart B—Allocation of Loan Fund Reservations

§ 885.200 Geographic distribution of Section 202 Loan Fund Authority.

From time to time, the Assistant Secretary will allocate Section 202 loan fund authority on a geographic basis for metropolitan and non-metropolitan areas among Regions in conformance with the requirements of Section 213(d) of the Housing and Community Development Act of 1974, by (a) calculating for the respective regions as a percent of the national total the numbers of (1) households with head or spouse aged 62 or older, (2) such households which occupy units which lack one or more plumbing facilities and (3) such households with incomes below regionally adjusted poverty levels; (b) averaging the three percentages; and (c) adjustment of the resulting percentage by average housing cost factors within each Region based on costs of prototype units.

§ 885.205 Invitations for requests for Section 202 Fund Reservations.

(a) From time to time, as loan funds become available, the Assistant Secretary will issue an invitation for requests by Applicants to receive reservations of Section 202 loan authority. Invitations for requests shall be published in the FEDERAL REGISTER and in such other publications as the Assistant Secretary considers appropriate.

(b) An invitation shall state that, under that invitation, no single Applicant shall, either as Applicant or Co-Applicant, apply for or receive a reservation of loan funds in a single Region in excess of that necessary to finance the construction or substantial rehabilitation of 300 units of Housing and Related Facilities. This limitation shall apply to Co-Applicants that are Affiliated Entities as well as to Co-Applicants that otherwise are unaffiliated with each other, notwithstanding that otherwise unaffiliated Co-Applicants, if they apply separately, may each apply for or receive a reservation of loan funds for 300 units. Affiliated Entities which submit separate applications shall be deemed to be a single entity for purposes of the 300 unit limitation. The invitation shall also describe eligibility requirements for Applicants, shall state that Section 8 contract authority will be set aside for successful Applicants and shall state the contents of requests, the final date for submission of requests, and any other information, guidelines, standards or procedures applicable to participation in the Section 202 Direct Loan Program. The invitation shall also state that Section 202 fund reservations will be distributed among successful Applicants on the basis of information furnished by the Applicants pursuant to § 885.210 and in accordance with § 885.215.

§ 885.210 Contents of requests for Fund Reservations.

Each request for a Section 202 fund reservation shall include the following:

(a) Name and address of the Applicant and, if known of the Borrower;

(b) Name and addresses of all officers and directors of the Applicant;

(c) Description of the organization of the Applicant, including date of its establishment, size and scope of its membership, and other pertinent information;

(d) Description of the relationship between the Applicant and the Borrower, if any;

(e) Description of any commitment, financial or otherwise, by the Applicant for assistance to the Borrower;

(f) A description of any financial default, modification of terms and conditions of financing, or legal action taken

against the Applicant for any reason during the past ten years;

(g) Evidence of the Applicant's capacity to carry through to completion and successful long term operation a project for Housing and Related Facilities. Such evidence shall include a detailed description of all rental or cooperative housing projects (including care facilities) owned or operated by the Applicant during the past ten years. However, HUD will accept information for shorter periods of time if the Applicant satisfactorily demonstrates that the requested information is not available for the past ten years. This description shall also include a listing of the locations, numbers, and types of units, types and sources of financing, and indicators of successful project management, such as amenities and services provided, turnover, vacancy, and delinquency rates and rent collection losses.

(h) Evidence of sufficient working capital to organize, plan, and complete the construction or substantial rehabilitation of a project for Housing and Related Facilities and to provide operating reserves during the start up of a project. Such evidence shall include the Applicant's balance sheet(s) and statement(s) of income and expenses for each of the past five years the Applicant has operated.

(i) Description of the Applicant's capability to sponsor, develop, own, manage or provide special services in connection with housing for the elderly or handicapped, including any special capability in serving the needs of lower income elderly or handicapped families and individuals and members of minority groups. The description shall include the Applicant's capability to construct or substantially rehabilitate projects that are specifically designed and equipped with such "related facilities" (as defined in Section 202(d)(8) of the Housing Act of 1959) as may be necessary to accommodate the special environmental needs of the intended occupants and shall be in support of and supported by the applicable state plans for comprehensive services pursuant to Section 134 of the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963 or state and area plans pursuant to Title III of the Older Americans Act of 1965.

(j) Such other information as the Applicant may wish to include which indicates any special capability to develop and operate a housing project successfully;

(k) The State in which the project(s) would be located and whether the project(s) would be located in a metropolitan or non-metropolitan area;

(l) The number of Section 202 units to be developed, by State;

(m) The amount of Section 202 loan funds requested to be reserved;

(n) Such additional information as the Assistant Secretary may find pertinent to the evaluation of a Request.

§ 885.215 Approval of requests for Fund Reservations.

(a) To be eligible for selection, a request must be received by HUD within the period specified in the invitation and must be complete and responsive to the invitation. Requests for Fund Reservations will be approved by the Assistant Secretary based on an evaluation procedure that takes into account the information provided pursuant to § 885.210.

(b) Applicants whose Request for Fund Reservations are approved shall be issued a Notice of Section 202 Fund Reservation on a form to be prescribed by the Assistant Secretary, which form shall:

(1) Specify the amount of the fund reservation and whether for a metropolitan or non-metropolitan area;

(2) Specify the Region(s) in which the housing is to be located;

(3) Inform the Applicant that use of the fund reservation is conditioned on a project being approved by an appropriate Field Office for assistance under the Section 8 Program;

(4) State that the fund reservation may be further limited by the number and types of units, the development cost for the proposed project for Housing and Related Facilities, and by the needs and market conditions of the specific project site proposed, all as determined by the Field Office;

(5) Instruct the Applicant to apply to the Field Office servicing the area in which the proposed housing will be located, in order to initiate steps for Section 8 housing assistance;

(6) State that the amount of loan funds reserved or any portion thereof unused by the Applicant may not be transferred by the Applicant, except to a Borrower designated in the Request;

(7) State that a Section 202 fund reservation shall not be available for use in connection with a Section 8 project which is proposed in response to an invitation pursuant to § 880.203 or § 881.203 of this chapter.

(c) Applicants whose Requests for Fund Reservations are not approved shall be so notified in writing by the Assistant Secretary.

(d) Applicants whose Requests for Fund Reservations are approved shall, as soon as possible after receiving such approval, communicate with the appropriate Field Office in order to provide the Field Office with sufficient project information (including the location, type of housing, utilities, etc.) to enable the Field Office to prepare a Special Section 202/Section 8 Developer's Packet pursuant to § 885.305 below.

§ 885.220 Duration of Section 202 Fund Reservations.

The Assistant Secretary shall cancel any reservations of Section 202 loan funds for projects for which the construction or substantial rehabilitation is not commenced within the eighteen-month period following issuance of the Notice of Section 202 Fund Reservation, unless an extension of time, not to exceed six additional months, is requested of and granted by the Assistant Secretary.

Subpart C—Applicable Procedures Under Section 8

§ 885.300 Additional allocation of Section 8 Contract Authority to Field Offices.

The Assistant Secretary will allocate to Field Offices contract authority for the Section 8 Housing Assistance Payments Program for use in connection with projects to be financed under Section 202. This amount of contract authority will be in addition to contract authority allocated to Field Offices pursuant to § 880.201 or § 881.201 of this chapter.

§ 885.305 Developer's Packet.

A Field Office, upon a request from an Applicant or a Borrower which has received a notice of Section 202 Fund Reservation, shall forward to such Applicant or Borrower a Special Developer's Packet (Section 202/Section 8) for either New Construction or Substantial Rehabilitation, whichever is applicable, which Developer's Packet shall:

(a) Include a copy of the applicable regulations, handbooks, and forms. When a Field Office determines that mobile homes are appropriate or that the developer is considering using mobile homes, the Developer's Packet shall include the appropriate HUD guidelines and shall describe any changes of the requirements and procedures under this Part 885, necessitated in the case of mobile home projects, including those relating to the site and site improvements, the type or types of units, and the procedures necessary to establish fair market rents for mobile homes.

(b) Include the following information for the geographic area in which the housing is to be constructed or substantially rehabilitated:

(1) Any special requirements for housing for the elderly and the handicapped pursuant to Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301); the requirements under Sections 503 and 504, Pub. L. 93–112, that no otherwise qualified individual shall be denied benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance; and any special requirements for the handicapped pursuant to the standards established by HUD under the Architectural Barriers Act of 1968 (82 Stat. 718).

(2) Any type of housing which HUD has determined to be unacceptable (e.g., mobile homes in certain localities and in the case of substantial rehabilitation).

(3) Any special requirements or restrictions to comply with the local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom

inquiries may be addressed concerning such Plan.

(4) The specific type(s) of utilities and method(s) of distribution (utility combination) required, and a statement that, if another combination is proposed, a comparative analysis of utility costs supporting the proposed combination must be included in the Proposal.

(5) The special management, maintenance and other services required to be provided by the Borrower in accordance with § 885.210(i) above. Such services at a minimum, shall include all services typically provided in the area for the type of housing contemplated.

(6) The applicable Fair Market Rents for newly constructed or substantially rehabilitated rental housing.

(7) Maximum initial term of the Housing Assistance Payments Contract and number of renewal options, if any will be determined in accordance with §§ 880.-109 and 881.109 of this chapter.

(c) Include statements as to:

(1) Equal Opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan if the proposal is for five or more units; and certification of compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–20004), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto.

(2) HUD relocation requirements.

(3) HUD requirements implementing the National Environmental Policy Act of 1969 (83 Stat. 852).

(4) Governmental requirements implementing the Clean Air Act (77 Stat. 392 as amended) and the Federal Water Pollution Control Act (66 Stat. 755 as amended).

(5) HUD requirements implementing the Flood Disaster Protection Act of 1973 (87 Stat. 975).

(6) The requirement that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a).

(7) The prescribed HUD form showing the identity of the Borrower, the developer (rehabilitator), the builder, the architect, and the managing agent, if any; the qualifications and experience of each; and any other parties having substantial interest in the proposed project.

(8) The requirement that the Borrower submit evidence of capability to provide the required management and maintenances services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and management certification by the Borrower and the management agent, if any, in a format acceptable to HUD.

(9) Other requirements which the Field Office determines to be necessary.

(10) Where copies of HUD Minimum Property Standards or HUD Minimum Design Standards for Rehabilitation for Residential Properties and any other applicable standards, guidelines and criteria may be obtained.

(11) The number of copies of the Preliminary Proposal to be submitted to the Field Office.

(12) The fact that a Borrower may submit simultaneously with the submission of the Preliminary Proposal, or at any time thereafter, a Final Proposal and the architect's certification if required in accordance with § 880.211(b) or § 881.211 (b) of this chapter.

(13) The fact that the Field Office may determine not to select or approve the Borrower(s) proposal(s).

§ 885.310 Submission of Preliminary Proposals.

At any time after receiving a Developer's Packet a Borrower may submit a Preliminary Proposal which shall include the following:

(a) Identification of the proposed site (or addresses of the proposed property to be rehabilitated), including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning.

(b) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence the Borrower's effective control of the site(s) or property to be rehabilitated.

(c) A description of the Proposed Housing and Related Facilities including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms, living area and composition for each size of units and special amenities or features, if any, and sketches of the buildings and unit plans.

(d) The Borrower's proposed contract rent per unit by size and types of structure.

(e) A description of the equipment to be included in the contract rent.

(f) A description of the utilities and services included in the contract rent and those utilities and services not so included. For each utility and service not included in the contract rent, an estimate of the average monthly cost to the occupants during the first year of occupancy based on unit size and type of structure.

(g) A showing that the Proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(h) A statement whether the proposed project will displace site occupants. If so, the Proposal shall state the number of families, individuals, and business concerns to be displaced, identified by race or minority group status, and differentiated between owners and lessees, shall establish that there is a feasible plan for relocation and shall indicate how any necessary relocation payments will be funded.

(i) Signed certification of the Borrower's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968.

(j) A statement of (1) the identity of the Borrower, developer (rehabilitator), builder (if known), and architect (if known); (2) the qualifications and experience of each; (3) and any other parties having substantial interest; and (4) the previous participation of each of the foregoing individuals in HUD programs.

(k) If a managing agent is to be employed, his identity shall be set forth, together with other applicable information as specified in paragraph (j) of this section.

(l) If the project is to be substantially rehabilitated, the additional information required by § 881.205 (c), (d), (e) and (f) of this chapter.

§ 885.315 Screening and Evaluation of Preliminary Proposals.

(a) *Initial screening.* After receipt of a Preliminary Proposal, the Field Office will screen the Proposal to determine that it is complete and responsive and eligible for further processing. If this Proposal does not include identification of the proposed site or property to be substantially rehabilitated, description of the proposed housing (or "as is" property to be substantially rehabilitated) or the proposed contract rents or if the Proposal lacks, or is deficient with respect to, any of the other required elements, the Field Office shall give the Borrower a reasonable time to remedy the deficiency.

(b) *A–95 Clearance; Notice to Unit of General Local Government.* (1) For each Preliminary Proposal which is determined to be subject to A–95 clearance, the field office shall send a copy (if not previously submitted by the Borrower) or authorized the Borrower to send a copy of the appropriate A–95 Clearinghouse for review, inviting a response within 34 calendar days from the date of the letter of transmittal.

(2) For purposes of compliance with Section 213 of the HCD Act, the field office shall forward (if not previously submitted by the Owner) a copy of the Proposal to the chief executive officer (or such other designee as such officer may designate) of the unit of general local government in which the proposed housing is to be located. The letter shall invite a response within 30 days from the date the letter and the copy of the Proposal are received.

(c) *Evaluation of Preliminary Proposals by the Field Office.* The Field Office may begin its evaluation of proposals upon receipt, but the evaluation may not be completed until the response periods referred to in paragraph (b) of the section have ended. The Preliminary Proposal will be evaluated by the Field Office on the basis of all pertinent factors including, but not limited to, rent, site, and design, and also on the basis of

comments, if any, received from the appropriate A–95 Clearinghouse and the unit of general local government.

(d) *Selection and notification of selection.* The Field Office will approve a Preliminary Proposal wrich in its judgment, can be developed into a Final Proposal satisfying the requirements of the Developer's Packet.

(1) With respect to a Preliminary Proposal which has been approved, the Field Office will so notify the Borrower and request the Borrower to submit within a time to be specified in the notification a Final Proposal in accordance with the requirements of the provisions of §§ 880.209 and 881.209 of this chapter. The notification shall specify:

(i) The contract rents that will be acceptable to HUD when such rents are lower than the contract rents proposed by the Borrower and the reason for the reduction;

(ii) The estimate of the amount of relocation payments, when applicable;

(iii) The number and types of units of Housing and Related Facilities; and

(iv) Any other special conditions or requirements, including those that may be applicable to substantial rehabilitation projects pursuant to § 881.208(g) of this chapter.

(2) The notification shall request that the Borrower by a specified date return a copy of the notification and indicate its acceptance thereof. If a Borrower does not accept the notification by the date specified, the Field Office may rescind the notification.

(3) If the Borrower has already submitted a Final Proposal (see §§ 880.204(c)(14) and 881.204(c)(14) of this chapter), the notification will state that upon acceptance of the notification by the Borrower, the Field Office will evaluate the Final Proposal in accordance with §§ 880.210 and 881.210 of this chapter.

(e) *Notification of Nonselection.* A Borrower whose Preliminary Proposal is not acceptable to the Field Office (after the Field Office completes its evaluation) shall be notified of such determination in writing, setting-forth the reasons for such nonselection and inviting the Borrower to submit an acceptable Preliminary Proposal.

Subpart D—Direct Loan Financing Procedures

§ 885.400 Request for direct loan financing.

(a) At the time of submission of a Final Proposal under the Section 8 program pursuant to §§ 880.209 and 881.209 of this chapter, a Borrower shall submit a Request for Section 202 Direct Loan financing on forms prescribed by HUD to the Field Office serving the Area in which the project will be located.

(b) The Requests provided in paragraph (a) of this section shall be accompanied by or include the following:

(1) The names and addresses of the officers and directors of Borrower and such other information as shall be required on the prescribed form together with a certification by each officer or director that he or she will not receive any compensation from the Borrower for his or her services and does not have any financial interest in any contract with the Borrower or in any firm or corporation which has a contract with the Borrower.

(2) Satisfactory evidence that the Borrower has the necessary legal authority to finance, construct or substantially rehabilitate and maintain the project and to apply for and receive the proposed loan, that it meets any requirements as to corporate organization and that it has authority to enter into such contract obligation and execute such authority to enter into such contract obligation and execute such security instruments as may be required by HUD.

§ 885.405 Approval for requests for financing.

The HUD Field Office shall review the request for financing and the other submission under § 885.310 and shall notify the Borrower of its approval or disapproval, indicating any deficiencies. The Borrower will be given a reasonable time, as determined by the Field Office, to correct any deficiencies. The approval shall set forth fully the terms and conditions upon which the loan will be disbursed.

§ 885.410 Amount and terms of financing.

(a) The amount of financing approved shall not exceed the lesser of:

(1) The amount of loan funds reserved pursuant to § 885.215; or

(2) The maximum mortgage amount that would apply under § 231.3 of Chapter II of this title if the mortage were insured under Section 231 of the National Housing Act; or

(3) The total Development Cost of the project.

(b) The loan shall bear interest at a rate established by the Secretary by adding: (1) A rate determined by the Secretary of the Treasury to be the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one percentum; plus (2) an allowance to cover administrative costs and probable losses under the program, which allowance has been determined by the Secretary to be 1% per ____ annum during the consrtuction period, and one-half of one percent (.5%) thereafter. Loans committed to be made by the Assistant Secretary shall bear interest at the rate in effect at the time the Request for Financing is approved pursuant to § 885.405. The effective rate (per cent) shall be ____ % for those loans approved for financing during the quarterly period beginning ____ and ending _____. The effective rate for subsequent quarterly periods shall be published in the FEDERAL REGISTER.

(c) The loan shall be secured by a first mortgage on real estate in fee simple or long term leasehold; the mortgage shall be for a term not to exceed 40 years and shall be subject to such terms and conditions as shall be determined by the Assistant Secretary.

(d) In order to assure HUD of the Borrower's continued commitment to the development, management and operation of the project, the Assistant Secretary may from time to time establish a minimum capital investment for Section 202 Borrowers. Such minimum capital investment is hereby initially determined to be one-half of one percent (.5%) of the mortgage amount committed to be disbursed, not to exceed the amount of $10,000. Section 106(b) loans made pursuant to Section 106 of the Housing and Urban Development Act of 1968 may not be utilized to meet the minimum capital investment requirement. Such minimum capital investment may take the form of payments by the Borrower out of the Borrower's own resources towards the project operating expenses or deficits over a period of not to exceed three years from initial occupancy of the project. Any such funds required to be put up as a minimum capital investment shall be held by HUD or other escrow agent acceptable to the Assistant Secretary for the aforementioned three year period and shall be used for operating expenses or deficits as may be directed by the Field Office; any unexpended balance remaining in the minimum capital investment account at the end of the three year period shall be returned to the Borrower.

§ 885.415 Requirements prior to initial disbursement of loan.

Prior to the initial disbursement of loan funds by HUD, the Borrower, in addition to any other requirements pursuant to Parts 880 and 881 of this chapter, shall furnish such executed documents as the Field Office may require, including but not limited to:

(a) An Agreement to Enter into Housing Assistance Payments Contract executed pursuant to § 880.214 or § 881.214 of this chapter.

(b) A Housing Consultant's Certificate and Contract (if consultant services have been employed by the Applicant);

(c) A Certificate of Incorporation of the Non-Profit Borrower, or consumer cooperative, as required by applicable state or local law;

(d) A Certificate of Relationships and Nonprofit Motives of the Borrower;

(e) A Mortgagor's Attorney's Opinion as to the validity and legality of the mortgagor entity, the legality of the building permit, and compliance with applicable zoning laws and requirements;

(f)(1) A Regulatory Agreement for Non-Profit Section 202/Section 8 Mortgagors, on a form to be prescribed by the Assistant Secretary, by which agreement HUD will regulate the Borrower's operation of the project, or (2) an addendum to the Section 8 Housing Assistance Payments Contract as required by the Assistant Secretary;

(g) A Mortgagor's Oath, wherein the Borrower certifies that the property to be constructed or substantially rehabilitated will not be used for hotel or transient accommodation purposes during the term of the Section 202 Financing Loan.

(h) An Agreement and Certification, to be executed by the Borrower and HUD on a form to be prescribed by HUD,

wherein the Borrower (1) agrees to certify actual costs and, as may be required by the Assistant Secretary, to have the contractor and subcontractor also submit certificates of actual cost; (2) certifies as to any financial and family relationship which exists as between such Borrower, the architect, general contractors and subcontractors;

(i) An Assurance of Compliance with HUD Regulations Under Title VI of the Civil Rights Act of 1964;

(j) A Note and Mortgage on forms approved by the Assistant Secretary for use in the jurisdiction in which the property covered by the mortgage is situated. The Note and Mortgage shall comply with applicable state law for such instruments and shall set forth the terms and method of repayment, maturity date, prepayment/refinancing and release provisions and such other requirements and covenants as prescribed by the Assistant Secretary;

(k) A Title Policy from a title insurance company or other title evidence satisfactory to the Field Office that the mortgage constitutes a first lien on the property as of the date the mortgage is filed for record;

(l) A survey of the mortgaged property and final plans and specifications shall have been prepared by registered surveyors and architects, respectively (if required), shall be in a form satisfactory to the Field Office, and shall be accompanied by such Surveyor and Architect Certificates and Owner-Architect Agreements as the Assistant Secretary may prescribe;

(m) A Building Loan Agreement to be executed by the Borrower and HUD in a form to be prescribed by the Assistant Secretary. The Agreement shall set forth the terms and conditions under which progress payments may be advanced during the construction or substantial rehabilitation according to a schedule of disbursements, and shall include provisions for disbursements of loan proceeds only on account of portions of construction or substantial rehabilitation work completed and approved by HUD and provisions for a holdback or retainage from construction or substantial rehabilitation requisition payments in an amount determined by the Assistant Secretary;

(n) A construction or Substantial Rehabilitation Contract between the Borrower and General Contractor, on a form to be prescribed by the Assistant Secretary, which Contract shall be in the form of a cost plus contract which shall provide for the payment of the actual cost of construction or substantial rehabilitation not to exceed an upset price. The Contract shall be supplemented by such Cost or Trade Payment Breakdown and General Conditions as the Assistant Secretary may prescribe:

(o) Assurance of Completion of construction or substantial rehabilitation in such form as may be prescribed by the Assistant Secretary, which may include Performance and Payment Bonds from approved sureties or cash escrows. Each Performance and each Payment Bond furnished under this Section shall be in the respective amounts of 50 percent of the total construction cost of the Housing and Related Facilities, and any such cash escrow furnished hereunder shall be in the amount of 25 percent of such cost; the terms and conditions of the forms of assurance of completion shall be satisfactory to the Field Office;

(p) An escrow agreement in the amount of the cost of any off-site facilities, funded by a cash deposit or Letter of Credit to assure completion of such facilities;

(q) A Contractor's and Sub-Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, in a form required by the Assistant Secretary, certifying that the laborers and mechanics employed in the construction or substantial rehabilitation of the dwellings will be paid not less than the wages prevailing in the locality in which the work is to be performed for the corresponding classes of laborers and mechanics employed on construction or substantial rehabilitation of a similar character, as determined by the Secretary of Labor prior to the beginning of construction or substantial rehabilitation and after the date of the Request for Direct Loan Financing. Such certificates shall also include information as to all applicable labor standards and other provisions of the regulations of the Secretary of Labor;

(r) Such other information and documents as the Assistant Secretary or Field Office may require in order to approve disbursement of construction loan proceeds pursuant to this Part.

§ 885.420 Loan disbursement procedures.

(a) Disbursements of loan proceeds shall be made directly by HUD to or for the account of the Borrower and may be made through an approved lender, mortgage servicer, title insurance company or other agent satisfactory to the Borrower and the Assistant Secretary.

(b) All disbursements to the Borrower shall be made on a periodic basis in an amount not to exceed the HUD-approved cost of portions of construction or substantial rehabilitation work completed and in place, minus the appropriate holdback or retainage, as determined by the Field Office.

(c) Requisitions for loan disbursements shall be submitted by the Borrower on forms to be prescribed by the Assistant Secretary and shall be accompanied by such additional information as the Field Office may require in order to approve loan disbursements under this part, including but not limited to, evidence of compliance with the Davis-Bacon Act, Department of Labor regulations, all applicable zoning, building and other governmental requirements, and such evidence of continued priority of the mortgage in the Borrower as the Assistant Secretary may prescribe.

§ 885.425 Completion of construction or substantial rehabilitation, cost certification and approvals by HUD.

(a) The requirements for completion of construction or substantial rehabilitation and approvals by HUD set forth in Parts 880 and 881 of this chapter shall be satisfied by the Borrower prior to submission of a final requisition for disbursement of loan proceeds.

(b) The Borrower shall, in connection with such final requisition, submit to the Field Office such documentation as may be prescribed by the Assistant Secretary for full and final disbursement of the loan, including any applicable holdback or retainage, and such guaranty against latent defects as the Assistant Secretary may prescribe, all of which foregoing shall be in addition to the requirements of Parts 880 and 881 of this chapter. The documentation hereunder shall include such information and forms as the Assistant Secretary may require in order to approve the Borrower's and Contractor's Cost Certification and to determine the total actual development cost of the Housing and Related Facilities, including (but not limited to) the following:

(1) A Borrower's/mortgagor's certificate of actual cost, in a form prescribed by the Assistant Secretary, showing the actual cost to the mortgagor of the cost plus construction contract, including the builder's fee actually paid and approved by HUD, architectural, legal, organizational, offsite costs and other items of expense approved by the Field Office. The Certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, stockholders, partners or members. Any such payments shall be deducted from the costs determined to be eligible for inclusion in the total Section 202 loan amount approved by the Field Office.

(2) A verification of the certificate of actual cost by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Assistant Secretary.

(3) A certification of the general contractor (and such subcontractors, material suppliers and equipment lessors, as the Assistant Secretary or Field Office may require), on a form prescribed by the Assistant Secretary, as to all actual cost paid for labor, materials and subcontract work under the general contract exclusive of the builder's fee and kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders, partners or members.

Effective date. This Part 885 shall be effective on February 25, 1976.

NOTE: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107 and it is determined that this final rule has no inflationary impact.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.76-5330 Filed 2-24-76;8:45 am]

federal register

WEDNESDAY, FEBRUARY 25, 1976

PART IV:

FEDERAL ENERGY ADMINISTRATION

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NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for March 1976

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for March 1976

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in March 1976. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix below.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix below are the quantities of residual fuel oil to be delivered to the utilities listed during the month of March 1976. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix below provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of March to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA, Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., February 21, 1976.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR MARCH 1976

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
United Illuminating Co	909,000			909,000
Wyatt Inc (Exxon)		6.00	54,540	
Texaco		94.00	854,460	
Northeast Utilities	1,514,000			1,514,000
HN Hartwell&Sons Inc		1.00	15,140	
Wyatt Inc (Exxon)		10.00	151,400	
Amerada Hess		68.00	1,029,520	
Tad Jones Co (Golf)		21.00	317,940	
MAINE				
Bangor Hydro Elec, Co.	20,238			20,238
Sprague		100.00	20,238	
Central Maine Power Co.	133,000			133,000
Texaco		100.00	133,000	
Maine Public Service Co.	6,883			6,883
Dead Riv.O.(Sprague)		100.00	6,883	
MASSACHUSETTS				
Boston Edison Co.	1,337,000			1,337,000
Sprague		12.00	160,440	
White Fuel (Texaco)		46.00	615,020	
Exxon		42.00	561,540	
Fitchburg Gas & El.	3,000			3,000
Northeast Petroleum		100.00	3,000	
E.Util.Assoc.(Montaup&Bl)	135,000			135,000
Texaco		100.00	135,000	
Braintree Elec. Lt. Dept.	16,729			16,729
CK Smith(Gold.Eagle)		100.00	16,729	
Holyoke Gas and Electric	13,618			13,618
Wyatt Inc (Exxon)		100.00	13,618	
Peabody Electric Lt Dept	0			0
Taunton Mun, Lt.	117,844			117,844
Quincy Oil Co (Exxon)		100.00	117,844	
New Eng. G & E	825,000			825,000
New England Petro		84.80	699,600	
White Fuel (Texaco)		15.20	125,400	
New Eng, Elec	1,637,000			1,637,000
Asiatic Petro Corp		60.00	982,200	
Prulease		.10	1,637	
Petro-Mkt-Corp		39.90	653,163	
NEW HAMPSHIRE				
Pub Ser.of N.H.	350,000			350,000
Sprague		26.30	92,050	
Conoco		73.70	257,950	
NEW YORK				
Central Hudson Gas & Ele	936,300			936,300
Amerada Hess Corp		100.00	936,300	
Consol Edison of NY	4,046,000			4,046,000
New England Petro		45.50	1,840,930	
Amerada Hess Corp		22.30	902,258	
Exxon		20.80	841,568	
Texaco		11.40	461,244	
Long Island Light Co.	1,647,000			1,647,000
New England Petro		100.00	1,647,000	
Orange & Rockland Util	935,184			935,184
Howard Fuel Corp		11.20	104,741	
New England Petro		51.50	481,620	
Amerada Hess Corp		29.90	279,620	
Asiatic Petro Corp		7.40	69,203	
Rochester Gas & Electric	105,583			105,583
Allied O		29.70	31,358	
Monoco Oil Company		70.30	74,225	
Freeport, Village of	0			0

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
Niagara Mohawk Power Co.	465,513			465,513
New England Petro		100.00	465,513	
RHODE ISLAND				
Newport Electric Corp	3,600			3,600
CK Smith		100.00	3,600	
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				
Delmarva Pwr & Lt	460,000			460,000
Gulf		8.00	36,800	
Steuart Petroleum Co.		22.00	101,200	
Conoco		65.00	299,000	
Texaco		5.00	23,000	
Dover, City of	74,200			74,200
Texaco		100.00	74,200	
DISTRICT OF COLUMBIA				
Potomac Elec. Pwr.	436,000			436,000
Steuart Petroleum Co.		21.00	91,560	
Asiatic Petro Corp		79.00	344,440	
MARYLAND				
Baltimore Gas & Elec	859,956			859,956
Amerada Hess Corp		52.70	453,197	
Exxon		47.30	406,759	
NEW JERSEY				
Public Service Electric	1,518,300			1,518,300
Amerada Hess Corp		78.00	1,184,274	
Exxon		22.00	334,026	
Vineland, City of Elec.	34,000			34,000
British Petroleum		100.00	34,000	
Atlantic City Electric C	320,034			320,034
Amerada Hess Corp		60.00	192,020	
CONOCO		40.00	128,014	
GPO Integrated System	244,769			244,769
Shipley Humble		1.00	2,448	
Amerada Hess Corp		94.00	230,083	
Swann Oil Inc		5.00	12,238	
PENNSYLVANIA				
Pennsylvania Pwr & Lt	390,500			390,500
Amerada Hess Corp		100.00	390,500	
Philadelphia Electric Co	1,560,700			1,560,700
New England Petro		2.10	32,775	
Amerada Hess Corp		21.50	335,550	
ARCO		28.50	444,800	
Gulf		9.00	140,463	
CONOCO		14.90	232,544	
Texaco		24.00	374,568	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				
Florida P&L	1,510,000			1,510,000
Exxon		15.00	226,500	
Belcher Oil (Exxon)		85.00	1,283,500	
Florida Power Corp	1,795,000			1,795,000
Amerada Hess Corp		40.00	718,000	
Exxon		60.00	1,077,000	
Gulf Power Co	33,937			33,937
Baker Service (Exxon)		100.00	33,937	
Tampa Electric Co	310,402			310,402
Western (New Eng Pet)		100.00	310,402	
Fort Pierce, City of	49,500			49,500
Belcher Oil (Exxon)		100.00	49,500	
Gainesville, City of	83,874			83,874
Eastern Seaboard		100.00	83,874	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
Jacksonville Elec Auth	638,334			638,334
Ven Fuel Inc		82.60	527,264	
New England Petro		8.70	55,535	
Amerada Hess Corp		8.70	55,535	
Key West Utilities	55,500			55,500
Std Oil Ky		100.00	55,500	
Lake Worth Util Authorit	4,007			4,007
Belcher Oil (Exxon)		100.00	4,007	
Lakeland Light & Wtr Dep	138,100			138,100
Belcher (Std Oil Ky)		100.00	138,100	
New Smyrna Beach	0			0
Orlando Utilities Comm	319,000			319,000
Belcher		100.00	319,000	
Sebring Utilities Com	4,383			4,383
Union Oil of Ca		100.00	4,383	
Tallahassee, City of	131,889			131,889
Union Oil of Ca		100.00	131,889	
Vero Beach Municipal Pow	34,173			34,173
Belcher Oil (Exxon)		100.00	34,173	
Florida Keys Elec Coop	8,100			8,100
Belcher Oil (Exxon)		100.00	8,100	
GEORGIA				
Georgia Power Company	109,636			109,636
New England Petro		100.00	109,636	
Savannah Electric & Powe	218,600			218,600
Colonial Oil (Exxon)		100.00	218,600	
MISSISSIPPI				
Mississippi Power Co	38,430			38,430
Baker Service (Exxon)		55.00	21,136	
Ergon (Intl Trading)		45.00	17,294	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
South Mississippi Elec	26,640			26,640
Southlnd Oil		83.00	22,111	
Amerada Hess Corp		17.00	4,529	
NORTH CAROLINA				
Carolina Power & Lt	0			0
SOUTH CAROLINA				
S. Carolina Pub Serv Auth	0			0
S. Carolina Elec & Gas Co	350,600			350,600
Exxon		100.00	350,600	
VIRGINIA				
Virginia Electric Power	1,059,700			1,059,700
Asiatic Petro Corp		16.60	175,910	
New England Petro		15.60	165,313	
Exxon		67.80	718,477	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
Jonesboro Water & Light	0			0
Arkansas Elec Coop	181,124			181,124
Logicon Inc (Shell)		80.00	144,899	
E L Bride (Texaco)		20.00	36,225	
COLORADO				
CT&U, S. Colo Pwr Div	0			0
KANSAS				
Central Kansas Pwr	5,412			5,412
Gr. Pls(CRA Farmland)		100.00	5,412	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
CT&U Western Pwr Div	85,720			85,720
Carter Wtr		4.00	3,429	
Amoco		73.00	62,576	
No Amer Petro		23.00	19,715	
Kansas Gas & Elec	310,200			310,200
Asph & Petro Indus		84.70	262,739	
Frontier Production		15.30	47,461	
Kansas Power & Light	273,500			273,500
GR, Pls		38.40	105,024	
Ntl Coop Refinery		15.50	42,392	
Phillips Petroleum		46.10	126,084	
Chanute, City of	2,750			2,750
Mid Amer Refining		100.00	2,750	
Clay Center Lt & Wtr	0			0
Coffeyville Lt & Pwr	0			0
CRA Farmland		100.00		
Larned Wtr & Elec	0			0
Carter Wtr		100.00		
McPherson Bd of Pub Util	7,200			7,200
Ntl Coop Refinery		100.00	7,200	
Ottawa Wtr & Lt	0			0
Carter Wtr (Amoco)		100.00		
LOUISIANA				
Central Louisiana Electr	0			0
Falco		66.70		
Atlas (Pennzoil)		33.30		
Jonesboro Power & Light	0			0
Southwestern Electric Po	107,015			107,015
Falco		100.00	107,015	
Middle South Services	1,724,000			1,724,000
E L Bride (OKC Ref)		1.70	29,308	
Tauber Oil Co		20.50	353,420	
Ergon Inc (Exxon)		3.80	65,512	
Reese Oil (Sun Oil)		.30	5,172	
Shell		21.30	367,212	
Exxon		12.90	222,396	
Murphy Oil Corp		30.00	517,200	
Texaco		9.50	163,780	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
MISSISSIPPI				
Clarksdale Wtr & Lt	11,651			11,651
Southland Oil		100.00	11,651	
Yazoo City Pub Serv	1,857			1,857
Southland Oil (Howell)		100.00	1,857	
MISSOURI				
St Joseph Lt & Pwr	47,493			47,493
E L Bride		100.00	47,493	
Empire Dist Elec	2,243			2,243
E L Bride		100.00	2,243	
OKLAHOMA				
Oklahoma Gas & Elec	0			0
Blackwell Wtr & Lt	0			0
Western Farmers Elec Coo	0			0
TEXAS				
Gulf States Utilities	155,000			155,000
LaJet		4.00	6,200	
Exxon		20.10	31,155	
South Hampton Co		22.30	34,565	
Tenneco		16.10	24,955	
Coastal States Mktg		37.50	58,125	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
Dallas Power & Lt	1,700			1,700
Winston Ref Co		18.20	310	
Bee Oil & Refining		15.60	265	
Kerr McGee Oil Co		18.90	321	
J&W Refining		47.30	804	
Houston Light & Pwr	5,000			5,000
Amerada Hess		100.00	5,000	

	Recommended FEA BURN	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
Texas Elec Serv	0			0
Texas Pwr & Lt	25,161			25,161
La Gloria Oil & Gas Co		31.10	7,825	
Kerr McGee		19.90	5,007	
J&W Refining		49.00	12,329	
West Texas Util	71,000			71,000
Pride Refining Inc		100.00	71,000	
Austin City Elec Dept	0			0
Bryan, City of	3,320			3,320
Petroleum T&T (3 Rive)		100.00	3,320	
Garland, City of	0			0
Delta Refining Co		25.30		
Pride Refining Inc		74.70		
Lower Colorado River Aut	0			0
San Antonio Pub Serv	30,000			30,000
Tesoro		100.00	30,000	
Brazos Elec Coop	0			0
Medina Elec Coop	2,100			2,100
Tesoro		100.00	2,100	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				
Commonwealth Edison Co	263,000			263,000
Allied O		98.00	257,740	
Clark Oil & Ref Corp		2.00	5,260	
Illinois Power Co	45,000			45,000
Allied O		100.00	45,000	
MISSOURI				
Union Electric	65,500			65,500
Apex Oil Co		100.00	65,500	
WISCONSIN				
Superior Wtr & Lt	10,715			10,715
Murphy Oil Corp		100.00	10,715	
Wisconsin Elec Pwr	0			0
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)				
IOWA				
Atlantic Municipal Utili	6,000			6,000
McMillan Oil Co		100.00	6,000	
Lamoni Munic	0			0
Interstate Power	19,336			19,336
Northwestern Ref		100.00	19,336	
MINNESOTA				
Minnesota Pwr & Lt	29,100			29,100
Murphy Oil		100.00	29,100	
Austin Utilities	8,099			8,099
Gustafson Oil Co		33.00	2,673	
Northwestern Ref		48.30	3,912	
W H Barber		18.70	1,514	
Fairmont Wtr & Lt	0			0
Marshall Municipal Util	1,800			1,800
E L Bride		100.00	1,800	
Owatonna Mun Util	18,998			18,998
Gustafson Oil Co		40.00	7,599	
Northwestern Ref		60.00	11,399	
Worthington, City of	3,726			3,726
Allied O		100.00	3,726	
Northern States Pwr	8,000			8,000
E L Bride (Texaco Inc)		100.00	8,000	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
NEBRASKA				
Central Nebraska Public	62,903			62,903
Farmland Industries		100.00	62,903	
Fairbury Lt & Wtr	4,285			4,285
Carter Wtr (Texaco)		100.00	4,285	
Grand Island Elec	30,195			30,195
E L Bride		100.00	30,195	
Hastings Utilities Dept	9,041			9,041
Carter Wtr		100.00	9,041	
Lincoln Electric System	5,826			5,826
E L Bride Co		100.00	5,826	
Nebraska Public Power Di	32,190			32,190
Panhandle Coop Assoc		100.00	32,190	
Omaha Pub Pwr Dist	0			0
WISCONSIN				
Lake Superior Dist Pwr	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
Clinton Lt & Wtr	0			0
Grand Haven Bd Pub	1,818			1,818
Osceola Ref		100.00	1,818	
Hillsdale Bd of Pub Work	2,800			2,800
Lewis (Gladieux Ref)		100.00	2,800	
Consumers Power	788,645			788,645
Murphy Mi Div Amoco		6.00	47,319	
Enterprise Oil Co		6.00	47,319	
Indust Fuel & Asphalt		2.00	15,773	
Rupp Oil Company		2.00	15,773	
Consumers Pwr Crude		54.00	425,868	
Boron Oil (Standard)		3.00	23,659	
Gladieux Ref		1.00	7,886	
Lakeside Refining Co		14.00	110,410	
Total Leonard Inc		4.00	31,546	
Osceola Refining Co		8.00	63,092	
Detroit Edison Co	542,778			542,778
Enterprise Oil Co		4.80	26,053	
Canadian Fuel Mktrs		9.90	53,735	
Petro Products		5.40	29,310	
Sun Oil Ltd		70.00	379,945	
Marathon Oil		9.90	53,735	
OHIO				
Cleveland Elec Illumin	29,190			29,190
Allied O (Ashland)		100.00	29,190	
Toledo Edison	37,001			37,001
Sun Oil		100.00	37,001	
PENNSYLVANIA				
Allegheny Power Service	11,900			11,900
Allied O (NEPCO)		100.00	11,900	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
Tucson Gas & Elec	236,613			236,613
Golden Gate Petro		22.00	52,055	
Holland Oil (Tosco)		5.00	11,830	
So Union Oil		51.00	120,673	
Navajo Refining		22.00	52,055	
Salt River Project	158,000			158,000
Gustafson Oil Co		.90	1,422	
Douglas Oil Co		2.80	4,424	
Little America		19.70	31,126	
Tesoro		12.40	19,592	
MacMillan		17.00	26,860	
Powerine Oil Co		18.10	28,598	
San Joaquin Ref		29.10	45,978	
Arizona Public Service C	218,765			218,765
Pacific Southwest		16.50	36,096	
Basin Fuels		4.00	8,751	
Union Oil of Cal		63.00	137,822	
San Joaquin Ref		16.50	36,096	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
CALIFORNIA				
Pacific Gas & Electric C	3,037,000			3,037,000
ARCO		71.30	2,165,381	
Phillips Petroleum		24.00	728,880	
Union Oil of Ca		4.70	142,739	
San Diego Gas & Electric	972,000			972,000
HIRI		16.20	157,464	
Tesoro		32.70	317,844	
Union Oil of Ca		29.80	289,656	
Edgington Oil Co		21.30	207,036	
Burbank City Public Ser	112,000			112,000
ARCO		100.00	112,000	
Glendale Public Services	97,000			97,000
Powerine Oil Co		100.00	97,000	
Imperial Irrigation Dist	61,800			61,800
Crescent Ref & O (Gulf)		100.00	61,800	
Los Angeles Dept of Wate	1,484,000			1,484,000
Petrobay		7.60	112,784	
ARCO		59.80	887,432	
Edgington Oil Co		20.90	310,156	
Newhall Refining Co		5.00	74,200	
Powerine Oil Co		3.20	47,488	
San Joaquin Ref		3.50	51,940	
Southern Calif Edison	1,956,000			1,956,000
Exxon		20.40	399,024	
ARCO		7.80	152,568	
CONOCO		2.20	43,032	
Texaco		9.70	189,732	
Std Oil Cal		50.10	979,956	
Macmillan R.F. Oil		3.00	58,680	
Pacific Resources		6.80	133,008	
Pasadena Power Co	92,542			92,542
Gold Eagle		100.00	92,542	
COLORADO				
Pub Serv Colorado	36,136			36,136
CONOCO		36.40	13,154	
Ref Corp		43.50	15,719	
Plateau Inc		20.10	7,263	
Colorado Springs Lt & Pw	0			0
Lamar Lt & Pwr	0			0
MONTANA				
Montana Power	0			0
NEVADA				
Nevada Power Company	120,700			120,700
Gustafson Oil Co		54.00	65,178	
Husky Oil Company		46.00	55,522	
Sierra Pacific Power	187,091			187,091
Golden Gate Petro		100.00	187,091	
NEW MEXICO				
Pub Serv New Mexico	23,538			23,538
Shell		26.40	6,214	
Std Oil Texas		4.30	1,012	
Plateau Inc		39.80	9,368	
Thriftway		5.40	1,271	
Navajo Refining		24.10	5,673	
Plains Elec Gen & Transm	1,241			1,241
Caribou 4 Corners		2.20	27	
Plateau Inc		97.80	1,214	
OREGON				
Pacific Power & Light Co	204			204
Std Oil (Ind)		100.00	204	
TEXAS				
Community Pub Serv	25,068			25,068
Std Oil Texas		100.00	25,068	
El Paso Electric	90,600			90,600
Southern Union		74.50	67,497	
Tesoro		25.50	23,103	

	Recommended FEA Burn	By Supplier Pct	By Supplier Barrels	TOTAL (Barrels)
UTAH				
Utah Power & Light Co	47,871			47,871
Blackline Asph Sales		100.00	47,871	
WASHINGTON				
Puget Sound Power & Light	110,378			110,378
Cascade		8.00	8,830	
Home Oil Co		2.00	2,208	
Lilyblad		8.50	9,382	
Pacific Northern		16.00	17,661	
Olds Olympic		4.00	4,415	
Rosso Inc		1.00	1,104	
South Center Oil		16.50	18,212	
Shell		44.00	48,566	
Seattle Dept of Li	8,928			8,928
Shell		100.00	8,928	
Tacoma Dept of Public Ut	0			0
10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
Cordova, Town of	0			0
HAWAII				
Hawaiian Electric Co	696,667			696,667
Std Oil Ca		100.00	696,667	
Hilo Elec Lt	32,729			32,729
Std Oil Ca		100.00	32,729	
Kauai Electric	14,400			14,400
Std Oil Ca		100.00	14,400	
Maui Electric	35,398			35,398
Std Oil Ca		100.00	35,398	
11. NOT OTHERWISE CLASSIFIED (NOC)				
UNKNOWN				
Guam Pwr Auth	163,193			163,193
Guam Oil and Refinin		100.00	163,193	
UNKNOWN				
Puerto Rico Water Resour	1,647,256			1,647,256
Commonwealth Oil		50.00	823,628	
Puerto Rico Sun Oil		30.00	494,177	
Caribbean Gulf Ref		20.00	329,451	
UNKNOWN				
St Croix, V.I. Wtr Pwr	45,328			45,328
Amerada Hess Corp		100.00	45,328	
UNKNOWN				
St Thomas, V.I. Wtr Pwr	38,633			38,633
Amerada Hess Corp		100.00	38,633	

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